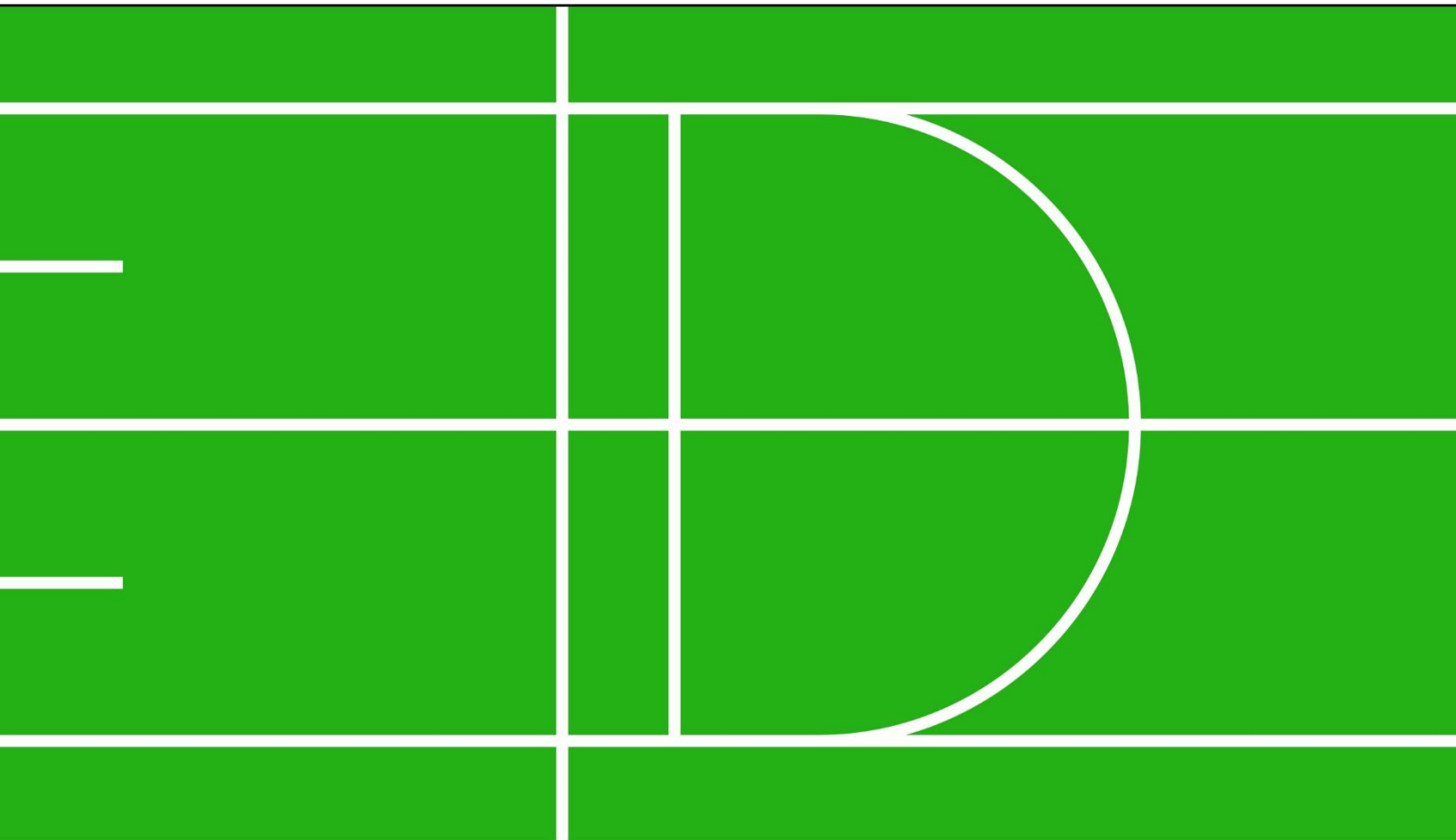




World Anti-Doping  
**Code**



2027

## World Anti-Doping Code

The World Anti-Doping Code was first adopted in 2003 and took effect in 2004. It was subsequently amended five times, the first time effective 1 January 2009, the second time effective 1 January 2015, the third time effective 1 April 2018 (compliance amendments), the fourth time effective 1 June 2019 (reporting of certain endogenous substances as *Atypical Findings*), and the fifth time effective 1 January 2021. The revised 2027 World Anti-Doping Code is effective as of 1 January 2027.

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## Purposes, scope and organization of the World Anti-Doping Program

### Purposes and Scope

The purposes of the World Anti-Doping Program are:

- To protect the *Athletes'* fundamental right to participate in doping-free sport and thus promote health, fairness and equality for *Athletes* worldwide, and
- To ensure harmonized, coordinated and effective anti-doping programs at the international and national level with regard to the prevention of doping, including:

*Education* — to raise awareness, inform, communicate, to instill values, develop life skills and decision-making capability to prevent intentional and unintentional anti-doping rule violations.

*Deterrence* — to divert potential dopers, through ensuring that robust rules and sanctions are in place and salient for all stakeholders.

*Detection* — an effective *Testing* and investigations system not only enhances a deterrent effect, but also is effective in protecting clean *Athletes* and the spirit of sport by catching those committing anti-doping rule violations, while also helping to disrupt anyone engaged in doping behavior.

*Enforcement* — to adjudicate and sanction those found to have committed an anti-doping rule violation.

*Rule of law* — to ensure that all relevant stakeholders have agreed to submit to the *Code* and the *International Standards*, and that all measures taken in application of their anti-doping programs respect the *Code*, the *International Standards*, and the principles of proportionality and human rights.

### Organization

The World Anti-Doping Program encompasses all of the elements needed in order to ensure optimal harmonization and best practice in international and national Anti-Doping programs. The main elements are:

Level 1: The World Anti-Doping *Code*

The *Code* is the fundamental and universal document upon which the World Anti-Doping Program in sport is based. The purpose of the *Code* is to advance the anti-doping effort through universal harmonization of core anti-doping elements. It is intended to be specific enough to achieve complete harmonization on issues where uniformity is required, yet general enough in other areas to permit flexibility on how agreed-upon anti-doping principles are implemented. The *Code* has been drafted giving consideration to the principles of proportionality and human rights.<sup>1</sup>

Level 2: *International Standards, Technical Documents and Technical Letters*

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<sup>1</sup> [Comment: The Olympic Charter and the International Convention against Doping in Sport 2005 adopted in Paris on 19 October 2005 ("UNESCO Convention"), both recognize the prevention of and the fight against doping in sport as a critical part of the mission of the International Olympic Committee and UNESCO, and also recognize the fundamental role of the Code.]



### *International Standards*

*International Standards* for different technical and operational areas within the anti-doping program have been and will be developed in consultation with the *Signatories* and governments and approved by WADA. The purpose of the *International Standards* is harmonization among *Anti-Doping Organizations* responsible for specific technical and operational parts of anti-doping programs. Adherence to the *International Standards* is mandatory for compliance with the *Code*. The *International Standards* may be revised from time to time by the WADA Executive Committee after reasonable consultation with *Signatories*, governments and other relevant stakeholders. *International Standards* and all revisions will be published on the WADA website and shall become effective on the date specified in the *International Standard* or revision.<sup>2</sup>

### *Technical Documents*

*Technical Documents* relating to mandatory technical requirements for the implementation of an *International Standard* may be approved and published from time to time by the WADA Executive Committee. Adherence to *Technical Documents* is mandatory for compliance with the *Code*. Where the implementation of a new or revised *Technical Document* is not time sensitive, the WADA Executive Committee shall allow for reasonable consultation with *Signatories*, governments and other relevant stakeholders. *Technical Documents* shall become effective immediately upon publication on the WADA website unless a later date is specified.<sup>3</sup>

### *Technical Letters*

*Technical Letters* relating to mandatory technical requirements provided by WADA from time to time (ad-hoc) to address particular issues on the analysis, interpretation and reporting of specific *Prohibited Substances(s)* and/or *Prohibited Method(s)* or on the application of specific Laboratory or *Athlete Biological Passport* Laboratory procedures.

### Level 3: Models of Best Practice and Guidelines

Models of best practice and guidelines based on the *Code* and *International Standards* have been and will be developed to provide solutions in different areas of anti-doping. The models and guidelines will be recommended by WADA and made available to *Signatories* and other relevant stakeholders but will not be mandatory. In addition to providing models of anti-doping documentation, WADA will also make some training assistance available to the *Signatories*.<sup>4</sup>

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<sup>2</sup> [Comment: The *International Standards* contain much of the technical detail necessary for implementing the *Code*. *International Standards* will, in consultation with the *Signatories*, governments and other relevant stakeholders, be developed by experts and set forth in separate documents. It is important that the WADA Executive Committee be able to make timely changes to the *International Standards* without requiring any amendment of the *Code*.]

<sup>3</sup> [Comment: For example, where an additional analytical procedure is required before reporting a Sample as an Adverse Analytical Finding, that procedure would be mandated in a *Technical Document* issued immediately by the WADA Executive Committee.]

<sup>4</sup> [Comment: These model documents may provide alternatives from which stakeholders may select. Some stakeholders may choose to adopt the model rules and other models of best practices verbatim. Others may decide to adopt the models with modifications. Still other stakeholders may choose to develop their own rules consistent with the general principles and specific requirements set forth in the *Code*.]

Model documents or guidelines for specific parts of anti-doping work have been developed and may continue to be developed based on generally recognized stakeholder needs and expectations.]

## Fundamental rationale for the World Anti-Doping Code

Anti-doping programs are founded on the intrinsic value of sport. This intrinsic value is often referred to as “the spirit of sport”: the ethical pursuit of human excellence through the dedicated perfection of each *Athlete’s* natural talents.

Anti-doping programs seek to protect the health of *Athletes* and to provide the opportunity for *Athletes* to pursue human excellence without the *Use of Prohibited Substances and Methods*.

Anti-doping programs seek to maintain the integrity of sport in terms of respect for rules, other competitors, fair competition, a level playing field, and the value of clean sport to the world.

The spirit of sport is the celebration of the human spirit, body and mind. It is the essence of Olympism and is reflected in the values we find in and through sport, including:

- Health
- Ethics, fair play and honesty
- *Athletes’* rights as set forth in the *Code*
- Excellence in performance
- Character and *Education*
- Fun and joy
- Teamwork
- Dedication and commitment
- Respect for rules and laws
- Respect for self and other *Participants*
- Courage
- Community and solidarity
- The spirit of sport is expressed in how we play true.
- Doping is fundamentally contrary to the spirit of sport.

PART ONE  
*DOPING CONTROL*

## Introduction

Part One of the *Code* sets forth specific anti-doping rules and principles that are to be followed by organizations responsible for adopting, implementing or enforcing anti-doping rules within their authority, e.g., the International Olympic Committee, International Paralympic Committee, International Federations, *National Olympic Committees* and Paralympic Committees, *Major Event Organizations*, and *National Anti-Doping Organizations*. All such organizations are collectively referred to as *Anti-Doping Organizations*.

All provisions of the *Code* are mandatory in substance and must be followed as applicable by each *Anti-Doping Organization* and *Athlete* or other *Person*. The *Code* does not, however, replace or eliminate the need for comprehensive anti-doping rules to be adopted by each *Anti-Doping Organization*. While some provisions of the *Code* must be incorporated without substantive change by each *Anti-Doping Organization* in its own anti-doping rules, other provisions of the *Code* establish mandatory guiding principles that allow flexibility in the formulation of rules by each *Anti-Doping Organization* or establish requirements that must be followed by each *Anti-Doping Organization* but need not be repeated in its own anti-doping rules.<sup>5</sup>

Anti-doping rules, like competition rules, are sport rules governing the conditions under which sport is played. *Athletes*, *Athlete Support Personnel* or other *Persons* (including board members, directors, officers, and specified employees and *Delegated Third Parties* and their employees) accept these rules as a condition of participation or involvement in sport and shall be bound by these rules.<sup>6</sup> Each *Signatory* shall establish rules and procedures to ensure that all *Athletes*, *Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of and agree to be bound by anti-doping rules in force of the relevant *Anti-Doping Organizations*.

Each *Signatory* shall establish rules and procedures to ensure that all *Athletes*, *Athlete Support Personnel* or other *Persons* under the authority of the *Signatory* and its member organizations are informed of the dissemination of their private data as required or authorized by the *Code*, and are bound by and compliant with the anti-doping rules found in the *Code*, and that the appropriate *Consequences* are imposed on those *Athletes* or other *Persons* who breach those rules. These sport-specific rules and procedures, aimed at enforcing anti-doping rules in a global and harmonized way, are distinct in nature from criminal and civil proceedings. They are not intended to be subject to or limited by any national requirements and legal standards applicable to such proceedings, although they are intended to be applied in a manner which respects the principles of proportionality and human

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<sup>5</sup> [Comment: Those Articles of the *Code* which must be incorporated into each *Anti-Doping Organization's* rules without substantive change are set forth in Article 23.2.2. For example, it is critical for purposes of harmonization that all *Signatories* base their decisions on the same list of anti-doping rule violations, the same burdens of proof and impose the same *Consequences* for the same anti-doping rule violations. These rules must be the same whether a hearing takes place before an *International Federation*, at the national level or before the *Court of Arbitration for Sport*.

*Code* provisions not listed in Article 23.2.2 are still mandatory in substance even though an *Anti-Doping Organization* is not required to incorporate them verbatim. Those provisions generally fall into two categories. First, some provisions direct *Anti-Doping Organizations* to take certain actions but there is no need to restate the provision in the *Anti-Doping Organization's* own anti-doping rules. For example, each *Anti-Doping Organization* must plan and conduct *Testing* as required by Article 5, but these directives to the *Anti-Doping Organization* need not be repeated in the *Anti-Doping Organization's* own rules. Second, some provisions are mandatory in substance but give each *Anti-Doping Organization* some flexibility in the implementation of the principles stated in the provision. As an example, it is not necessary for effective harmonization to force all *Signatories* to use one single *Results Management* process as long as the process utilized satisfies the requirements stated in the *Code* and the *International Standard for Results Management*.]

<sup>6</sup> [Comment: Where the *Code* requires a *Person* other than an *Athlete* or *Athlete Support Person* to be bound by the *Code*, such *Person* would of course not be subject to *Sample collection* or *Testing*, and would not be charged with an anti-doping rule violation under the *Code* for *Use or Possession of a Prohibited Substance or Prohibited Method*. Rather, such *Person* would only be subject to discipline for a violation of *Code* Articles 2.5 (*Tampering*), 2.7 (*Trafficking*), 2.8 (*Administration*), 2.9 (*Complicity*), 2.10 (*Prohibited Association*) and 2.11 (*Retaliation*). Furthermore, such *Person* would be subject to the additional roles and responsibilities according to Article 21.3. Also, the obligation to require an employee to be bound by the *Code* is subject to applicable law.]

rights. When reviewing the facts and the law of a given case, all courts, arbitral hearing panels and other adjudicating bodies should be aware of and respect the distinct nature of the anti-doping rules in the *Code* and the fact that those rules represent the consensus of a broad spectrum of stakeholders around the world with an interest in fair sport.

As provided in the *Code*, each *Anti-Doping Organization* shall be responsible for conducting all aspects of *Doping Control*. Any aspect of *Doping Control* or anti-doping *Education* may be delegated by an *Anti-Doping Organization* to a *Delegated Third Party*, however, the delegating *Anti-Doping Organization* shall require the *Delegated Third Party* to perform such aspects in compliance with the *Code* and *International Standards*, and the *Anti-Doping Organization* shall remain fully responsible for ensuring that any delegated aspects are performed in compliance with the *Code*.

## Article 1 Definition of Doping

Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 through Article 2.11 of the *Code*.

## Article 2 Anti-Doping Rule Violations

The purpose of Article 2 is to specify the circumstances and conduct which constitute anti-doping rule violations. Hearings in doping cases will proceed based on the assertion that one or more of these specific rules have been violated.

*Athletes* or other *Persons* shall be responsible for knowing what constitutes an anti-doping rule violation and the substances and methods which have been included on the *Prohibited List*.

The following constitute anti-doping rule violations:

### 2.1 Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*

2.1.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies. *Athletes* are responsible for any *Prohibited Substance* or its *Metabolites* or *Markers* found to be present in their *Samples*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation under Article 2.1.<sup>7</sup>

2.1.2 Sufficient proof of an anti-doping rule violation under Article 2.1 is established by any of the following: presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in the *Athlete's A Sample* where the *Athlete* waives analysis of the *B Sample* and the *B Sample* is not analyzed; or, where the *Athlete's B Sample* is analyzed and the analysis of the *Athlete's B Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or *Markers* found in the *Athlete's A Sample*; or where the *Athlete's A or B Sample* is split into two parts and the analysis of the confirmation part of the split *Sample* confirms the presence of the *Prohibited Substance* or its *Metabolites* or

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<sup>7</sup> [Comment to Article 2.1.1: An anti-doping rule violation is committed under this Article without regard to an *Athlete's Fault*. This rule has been referred to in various CAS decisions as "Strict Liability". An *Athlete's Fault* is taken into consideration in determining the Consequences of this anti-doping rule violation under Article 10. This principle has consistently been upheld by CAS.]

Markers found in the first part of the split *Sample* or the *Athlete* waives analysis of the confirmation part of the split *Sample*.<sup>8</sup>

2.1.3 Excepting those substances for which a *Decision Limit* is specifically identified in the *Prohibited List* or a *Technical Document*, the presence of any reported quantity of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample* shall constitute an anti-doping rule violation.

2.1.4 As an exception to the general rule of Article 2.1, the *Prohibited List*, *International Standards*, or *Technical Documents* may establish special criteria for reporting or the evaluation of certain *Prohibited Substances*.

## 2.2 Use or Attempted Use by an Athlete of a Prohibited Substance or a Prohibited Method<sup>9</sup>

2.2.1 It is the *Athletes'* personal duty to ensure that no *Prohibited Substance* enters their bodies and that no *Prohibited Method* is *Used*. Accordingly, it is not necessary that intent, *Fault*, *Negligence* or knowing *Use* on the *Athlete's* part be demonstrated in order to establish an anti-doping rule violation for *Use* of a *Prohibited Substance* or a *Prohibited Method*.

2.2.2 The success or failure of the *Use* or *Attempted Use* of a *Prohibited Substance* or *Prohibited Method* is not material. It is sufficient that the *Prohibited Substance* or *Prohibited Method* was *Used* or *Attempted* to be *Used* for an anti-doping rule violation to be committed.<sup>10</sup>

## 2.3 Evading, Refusing or Failing to Submit to Sample Collection by an Athlete

Evading *Sample* collection; or refusing or failing to submit to *Sample* collection without compelling justification after notification by a duly authorized *Person*.<sup>11</sup>

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<sup>8</sup> [Comment to Article **Error! Reference source not found.**: The Anti-Doping Organization with Results Management responsibility may, at its discretion, choose to have the B Sample analyzed even if the Athlete does not request the analysis of the B Sample.]

<sup>9</sup> [Comment to Article 2.2: It has always been the case that Use or Attempted Use of a Prohibited Substance or Prohibited Method may be established by any reliable means. As noted in the Comment to Article 3.2, unlike the proof required to establish an anti-doping rule violation under Article 2.1, Use or Attempted Use may also be established by other reliable means such as admissions by the Athlete, witness statements, documentary evidence, conclusions drawn from longitudinal profiling, including data collected as part of the Athlete Biological Passport, or other analytical information which does not otherwise satisfy all the requirements to establish "Presence" of a Prohibited Substance under Article 2.1.

For example, Use may be established based upon reliable analytical data from the analysis of an A Sample (without confirmation from an analysis of a B Sample) or from the analysis of a B Sample alone where the Anti-Doping Organization provides a satisfactory explanation for the lack of confirmation in the other Sample.]

<sup>10</sup> [Comment to Article 2.2.2: Demonstrating the "Attempted Use" of a Prohibited Substance or a Prohibited Method requires proof of intent on the Athlete's part. The fact that intent may be required to prove this particular anti-doping rule violation does not undermine the Strict Liability principle established for violations of Article 2.1 and violations of Article 2.2 in respect of Use of a Prohibited Substance or Prohibited Method.

An Athlete's Use of a Prohibited Substance constitutes an anti-doping rule violation unless such Substance is not prohibited Out-of-Competition and the Athlete's Use takes place Out-of-Competition. (However, the presence of a Prohibited Substance or its Metabolites or Markers in a Sample collected In-Competition is a violation of Article 2.1 regardless of when that Substance might have been administered.)]

<sup>11</sup> [Comment to Article 2.3: For example, it would be an anti-doping rule violation of "evading Sample collection" if it were established that an Athlete was deliberately avoiding a Doping Control official to evade notification or Testing. A violation of "failing to submit to Sample collection" may be based on either intentional or negligent conduct of the Athlete, while "evading" or "refusing" Sample collection contemplates intentional conduct by the Athlete.]



2.4 Whereabouts Failures by an Athlete

Any combination of three missed tests and/or filing failures, as defined in the *International Standard for Results Management*, within a twelve-month period by an *Athlete* in a *Registered Testing Pool*.

2.5 *Tampering or Attempted Tampering* with any Part of *Doping Control* by an *Athlete* or *Other Person*

2.6 *Possession of a Prohibited Substance or a Prohibited Method* by an *Athlete* or *Athlete Support Person*

2.6.1 *Possession by an Athlete In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession by an Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* unless the *Athlete* establishes that the *Possession* is consistent with a *Therapeutic Use Exemption* (“*TUE*”) granted in accordance with Article 4.4 or other acceptable justification.<sup>12</sup>

2.6.2 *Possession by an Athlete Support Person In-Competition* of any *Prohibited Substance* or any *Prohibited Method*, or *Possession by an Athlete Support Person Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* which is prohibited *Out-of-Competition* in connection with an *Athlete*, *Competition* or training, unless the *Athlete Support Person* establishes that the *Possession* is consistent with a *TUE* granted to an *Athlete* in accordance with Article 4.4 or other acceptable justification.<sup>13</sup>

2.7 *Trafficking or Attempted Trafficking* in any *Prohibited Substance* or *Prohibited Method* by an *Athlete* or *Other Person*

2.8 *Administration or Attempted Administration* by an *Athlete* or *Other Person* to any *Athlete In-Competition* of any *Prohibited Substance* or *Prohibited Method*, or *Administration or Attempted Administration* to any *Athlete Out-of-Competition* of any *Prohibited Substance* or any *Prohibited Method* that is *Prohibited Out-of-Competition*.

2.9 *Complicity or Attempted Complicity* by an *Athlete* or *Other Person*

Assisting, encouraging, aiding, abetting, conspiring, covering up or any other type of intentional complicity or *Attempted* complicity involving an anti-doping rule violation, *Attempted* anti-doping rule violation or violation of Article 10.14.1 by another *Person*.<sup>14</sup>

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<sup>12</sup> [Comment to Articles 2.6.1 and 2.6.2: Acceptable justification would not include, for example, buying or Possessing a Prohibited Substance for purposes of giving it to a friend or relative, except under justifiable medical circumstances where that Person had a physician's prescription, e.g., buying Insulin for a diabetic child.]

<sup>13</sup> [Comment to Articles 2.6.1 and 2.6.2: Acceptable justification may include, for example, (a) an Athlete or a team doctor carrying Prohibited Substances or Prohibited Methods for dealing with acute and emergency situations (e.g., an epinephrine auto-injector), or (b) an Athlete Possessing a Prohibited Substance or Prohibited Method for therapeutic reasons shortly prior to applying for and receiving a determination on a TUE.]

<sup>14</sup> [Comment to Article 2.9: Complicity or Attempted Complicity may include either physical or psychological assistance.]

## 2.10 Prohibited Association by an *Athlete* or Other *Person*

2.10.1 Association by an *Athlete* or other *Person* subject to the authority of an *Anti-Doping Organization* in a professional or sport-related capacity with any *Athlete Support Person* who:

2.10.1.1 If subject to the authority of an *Anti-Doping Organization*, is serving a period of *Ineligibility*; or

2.10.1.2 If not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*. The disqualifying status of such *Person* shall be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed; or

2.10.1.3 Is serving as a front or intermediary for an individual described in Article 2.10.1.1 or 2.10.1.2.

2.10.2 To establish a violation of Article 2.10, an *Anti-Doping Organization* must establish that the *Athlete* or other *Person* knew of the *Athlete Support Person's* disqualifying status.

The burden shall be on the *Athlete* or other *Person* to establish that any association with an *Athlete Support Person* described in Article 2.10.1.1 or 2.10.1.2 is not in a professional or sport-related capacity and/or that such association could not have been reasonably avoided.

*Anti-Doping Organizations* that are aware of *Athlete Support Personnel* who meet the criteria described in Article 2.10.1.1, 2.10.1.2, or 2.10.1.3 shall submit that information to WADA.<sup>15</sup>

## 2.11 Acts by an *Athlete* or Other *Person* to Discourage or Retaliate Against Reporting to Authorities

Where such conduct does not otherwise constitute a violation of Article 2.5:

2.11.1 Any act which threatens or seeks to intimidate another *Person* with the intent of discouraging the *Person* from the good-faith reporting of information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional

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<sup>15</sup> [Comment to Article 2.10: *Athletes* and other *Persons* must not work with coaches, trainers, physicians or other *Athlete Support Personnel* who are *Ineligible* on account of an anti-doping rule violation or who have been criminally convicted or professionally disciplined in relation to doping. This also prohibits association with any other *Athlete* who is acting as a coach or *Athlete Support Person* while serving a period of *Ineligibility*. Some examples of the types of association which are prohibited include: obtaining training, strategy, technique, nutrition or medical advice; obtaining therapy, treatment or prescriptions; providing any bodily products for analysis; or allowing the *Athlete Support Person* to serve as an agent or representative. Prohibited association need not involve any form of compensation.

*While Article 2.10 does not require the Anti-Doping Organization to notify the Athlete or other Person about the Athlete Support Person's disqualifying status, such notice, if provided, would be important evidence to establish that the Athlete or other Person knew about the disqualifying status of the Athlete Support Person.*



disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.

- 2.11.2 Retaliation against a *Person* who, in good faith, has provided evidence or information that relates to an alleged anti-doping rule violation or alleged non-compliance with the *Code* to WADA, an *Anti-Doping Organization*, law enforcement, regulatory or professional disciplinary body, hearing body or *Person* conducting an investigation for WADA or an *Anti-Doping Organization*.<sup>16</sup>

For purposes of Article 2.11, retaliation, threatening and intimidation include an act taken against such *Person* either because the act lacks a good faith basis or is a disproportionate response.<sup>17</sup>

## Article 3 Proof of Doping

### 3.1 Burdens and Standards of Proof

The *Anti-Doping Organization* shall have the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether the *Anti-Doping Organization* has established an anti-doping rule violation to the comfortable satisfaction of the hearing panel, bearing in mind the seriousness of the allegation which is made. This standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.<sup>18</sup> Where the *Code* places the burden of proof upon the *Athlete* or other *Person* alleged to have committed an anti-doping rule violation to rebut a presumption or establish specified facts or circumstances, except as provided in Articles 3.2.2 and 3.2.3, the standard of proof shall be by a balance of probability.

### 3.2 Methods of Establishing Facts and Presumptions

Facts related to anti-doping rule violations may be established by any reliable means, including admissions.<sup>19</sup> The following rules of proof shall be applicable in doping cases:

- 3.2.1 Analytical methods or *Decision Limits* approved by WADA after consultation within the relevant scientific community or which have been the subject of peer review are presumed to be scientifically valid. Any *Athlete* or other *Person* seeking to challenge whether the conditions for such presumption have been met or to rebut this presumption of scientific validity shall, as a condition precedent to any such challenge, first notify WADA of the challenge and the basis of the challenge. The initial hearing body, appellate body or CAS, on its own initiative, may also inform WADA of any such challenge. Within ten (10) days of WADA's receipt of such notice and the case file

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<sup>16</sup> [Comment to Article 2.11.2: This Article is intended to protect *Persons* who make good faith reports, and does not protect *Persons* who knowingly make false reports.]

<sup>17</sup> [Comment to Article 2.11.2: Retaliation would include, for example, actions that threaten the physical or mental well-being or economic interests of the reporting *Persons*, their families or associates. Retaliation would not include an *Anti-Doping Organization* asserting in good faith an anti-doping rule violation against the reporting *Person*. For purposes of Article 2.11, a report is not made in good faith where the *Person* making the report knows the report to be false.]

<sup>18</sup> [Comment to Article 3.1: This standard of proof required to be met by the *Anti-Doping Organization* is comparable to the standard which is applied in most countries to cases involving professional misconduct.]

<sup>19</sup> [Comment to Article 3.2: For example, an *Anti-Doping Organization* may establish an anti-doping rule violation under Article 2.2 based on the *Athlete's* admissions, the credible testimony of third *Persons*, reliable documentary evidence, reliable analytical data from either an A or B Sample as provided in the Comments to Article 2.2, or conclusions drawn from the profile of a series of the *Athlete's* blood or urine Samples, such as data from the *Athlete Biological Passport*. The results of lie-detector tests shall not be considered reliable analytical evidence.]

related to such challenge, WADA shall also have the right to intervene as a party, appear as *amicus curiae* or otherwise provide evidence in such proceeding. In cases before CAS, at WADA's request, the CAS panel shall appoint an appropriate scientific expert to assist the panel in its evaluation of the challenge.<sup>20</sup>

- 3.2.2 WADA-accredited laboratories, and other laboratories approved by WADA, are presumed to have conducted *Sample* analysis and custodial procedures in accordance with the *International Standard* for Laboratories. The *Athlete* or other *Person* may rebut this presumption by establishing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*.

If the *Athlete* or other *Person* rebuts the preceding presumption by showing that a departure from the *International Standard* for Laboratories occurred which could reasonably have caused the *Adverse Analytical Finding*, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*.<sup>21</sup>

- 3.2.3 Departures from any other *International Standard* or other anti-doping rule or policy set forth in the *Code* or in an *Anti-Doping Organization's* rules shall not invalidate analytical results or other evidence of an anti-doping rule violation, and shall not constitute a defense to an anti-doping rule violation;<sup>22</sup> provided, however, if the *Athlete* or other *Person* establishes that a departure from one of the specific *International Standard* provisions listed below could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding* or whereabouts failure, then the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding* or whereabouts failure:

- (i) a departure from the *International Standard* for *Testing* related to *Sample* collection or *Sample* handling which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;
- (ii) a departure from the *International Standard* for *Results Management* or *International Standard* for *Testing* related to an *Adverse Passport Finding* which could reasonably have caused an anti-doping rule violation, in which

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<sup>20</sup> [Comment to Article 3.2.1: For certain Prohibited Substances, WADA may instruct WADA-accredited laboratories not to report Samples as an Adverse Analytical Finding if the estimated concentration of the Prohibited Substance or its Metabolites or Markers is below a Minimum Reporting Level. WADA's decision in determining that Minimum Reporting Level or in determining which Prohibited Substances should be subject to Minimum Reporting Levels shall not be subject to challenge. Further, the laboratory's estimated concentration of such Prohibited Substance in a Sample may only be an estimate. In no event shall the possibility that the exact concentration of the Prohibited Substance in the Sample may be below the Minimum Reporting Level constitute a defense to an anti-doping rule violation based on the presence of that Prohibited Substance in the Sample.]

<sup>21</sup> [Comment to Article 3.2.2: The burden is on the Athlete or other Person to establish, by a balance of probability, a departure from the International Standard for Laboratories that could reasonably have caused the Adverse Analytical Finding. Thus, once the Athlete or other Person establishes the departure by a balance of probability, the Athlete or other Person's burden on causation is the somewhat lower standard of proof—"could reasonably have caused." If the Athlete or other Person satisfies these standards, the burden shifts to the Anti-Doping Organization to prove to the comfortable satisfaction of the hearing panel that the departure did not cause the Adverse Analytical Finding.]

<sup>22</sup> [Comment to Article 3.2.3: Departures from an International Standard or other rule unrelated to Sample collection or handling, Adverse Passport Finding, or Athlete notification relating to whereabouts failure or B Sample opening – e.g., the International Standard for Education, International Standard for Data Protection or International Standard for Therapeutic Use Exemptions – may result in compliance proceedings by WADA but are not a defense in an anti-doping rule violation proceeding and are not relevant on the issue of whether the Athlete committed an anti-doping rule violation. Similarly, an Anti-Doping Organization's violation of the document referenced in Article 20.7.7 shall not constitute a defense to an anti-doping rule violation.]

case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the anti-doping rule violation;

- (iii) a departure from the *International Standard for Results Management* related to the requirement to provide notice to the *Athlete* of the *B Sample* opening which could reasonably have caused an anti-doping rule violation based on an *Adverse Analytical Finding*, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the *Adverse Analytical Finding*;<sup>23</sup>
- (iv) a departure from the *International Standard for Results Management* related to *Athlete* notification or attempts to locate the *Athlete* which could reasonably have caused an anti-doping rule violation based on a whereabouts failure, in which case the *Anti-Doping Organization* shall have the burden to establish that such departure did not cause the whereabouts failure.

3.2.4 The facts established by a decision of a court or professional disciplinary tribunal of competent jurisdiction which is not the subject of a pending appeal shall be irrebuttable evidence against the *Athlete* or other *Person* to whom the decision pertained of those facts unless the *Athlete* or other *Person* establishes that the decision violated principles of natural justice.

3.2.5 The hearing panel in a hearing on an anti-doping rule violation may draw an inference adverse to the *Athlete* or other *Person* who is asserted to have committed an anti-doping rule violation based on the *Athlete's* or other *Person's* refusal, after a request made in a reasonable time in advance of the hearing, to appear at the hearing (either in person or telephonically as directed by the hearing panel) and to answer questions from the hearing panel or the *Anti-Doping Organization* asserting the anti-doping rule violation.

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<sup>23</sup> [Comment to Article 3.2.3 (iii): An *Anti-Doping Organization* would meet its burden to establish that such departure did not cause the *Adverse Analytical Finding* by showing that, for example, the *B Sample* opening and analysis were observed by an independent witness and no irregularities were observed.]

## Article 4 The *Prohibited List*

### 4.1 Publication and Revision of the *Prohibited List*

WADA shall, as often as necessary and no less often than annually, publish the *Prohibited List* as an *International Standard*. The proposed content of the *Prohibited List* and all revisions shall be provided in writing promptly to all *Signatories* and governments for comment and consultation. Each annual version of the *Prohibited List* and all revisions shall be distributed promptly by WADA to each *Signatory*, WADA-accredited or approved laboratory, and government, and shall be published on WADA's website, and each *Signatory* shall take appropriate steps to distribute the *Prohibited List* to its members and constituents. The rules of each *Anti-Doping Organization* shall specify that, unless provided otherwise in the *Prohibited List* or a revision, the *Prohibited List* and revisions shall go into effect under the *Anti-Doping Organization's* rules three (3) months after publication of the *Prohibited List* by WADA without requiring any further action by the *Anti-Doping Organization*.<sup>24</sup>

### 4.2 *Prohibited Substances* and *Prohibited Methods* Identified on the *Prohibited List*

#### 4.2.1 *Prohibited Substances* and *Prohibited Methods*

The *Prohibited List* shall identify those *Prohibited Substances* and *Prohibited Methods* which are prohibited as doping at all times (both *In-Competition* and *Out-of-Competition*) because of their potential to enhance performance in future *Competitions* or their masking potential, and those substances and methods which are prohibited *In-Competition* only. The *Prohibited List* may be expanded by WADA for a particular sport. *Prohibited Substances* and *Prohibited Methods* may be included in the *Prohibited List* by general category (e.g., anabolic agents) or by specific reference to a particular substance or method.<sup>25</sup>

#### 4.2.2 *Specified Substances* or *Specified Methods*

For purposes of the application of Article 10, all *Prohibited Substances* shall be *Specified Substances* except as identified on the *Prohibited List*. No *Prohibited Method* shall be a *Specified Method* unless it is specifically identified as a *Specified Method* on the *Prohibited List*.<sup>26</sup> *Specified Substances* and *Specified Methods* identified in this Article should not in any way be considered less important or less dangerous than other doping *Substances* or *Methods*. Rather, they are simply *Substances* and *Methods* which are more likely to have been consumed or used by an *Athlete* for a purpose other than the enhancement of sport performance.

#### 4.2.3 *Substances of Abuse*

For purposes of applying Article 10, *Substances of Abuse* shall include those *Prohibited Substances* which are specifically identified as *Substances of Abuse* on the

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<sup>24</sup> [Comment to Article 4.1: The *Prohibited List* will be revised [and published on an expedited basis whenever the need arises. However, for the sake of predictability, a new *Prohibited List* will be published every year whether or not changes have been made. WADA will always have the most current *Prohibited List* published on its website. The *Prohibited List* is an integral part of the *International Convention against Doping in Sport*. WADA will inform the Director-General of UNESCO of any change to the *Prohibited List*.]

<sup>25</sup> [Comment to Article 4.2.1: *Out-of-Competition Use of a Substance which is only prohibited In-Competition* is not an anti-doping rule violation unless an *Adverse Analytical Finding* for the Substance or its Metabolites or Markers is reported for a Sample collected *In-Competition*.]

<sup>26</sup> [Comment to Article 4.2.2: *Prohibited Substances which are more likely to have been consumed or used by an Athlete for a purpose other than the enhancement of sport performance* would include, for example, marijuana and cocaine.]

*Prohibited List* because they are frequently abused in society outside of the context of sport.

#### 4.2.4 New Classes of *Prohibited Substances* or *Prohibited Methods*

In the event WADA expands the *Prohibited List* by adding a new class of *Prohibited Substances* or *Prohibited Methods* in accordance with Article 4.1, WADA's Executive Committee shall determine whether any or all *Prohibited Substances* or *Prohibited Methods* within the new class shall be considered *Specified Substances* or *Specified Methods* under Article 4.2.2 or *Substances of Abuse* under Article 4.2.3.

### 4.3 Criteria for Including Substances and Methods on the *Prohibited List*

WADA shall consider the following criteria in deciding whether to include a substance or method on the *Prohibited List*.

4.3.1 A substance or method shall be considered for inclusion on the *Prohibited List* if WADA, in its sole discretion, determines that the substance or method meets any two of the following three criteria:

4.3.1.1 Scientific evidence that the substance or method, alone or in combination with other substances or methods, has the potential to enhance or enhances sport performance;<sup>27</sup>

4.3.1.2 Scientific evidence that the *Use* of the substance or method represents an actual or potential health risk to the *Athlete*; or

4.3.1.3 WADA's determination that the *Use* of the substance or method violates the spirit of sport described in the introduction to the *Code*.

4.3.2 A substance or method shall also be included on the *Prohibited List* if WADA determines there is scientific evidence that the substance or method has the potential to mask the *Use* of other *Prohibited Substances* or *Prohibited Methods*.<sup>28</sup>

4.3.3 WADA's determination of the *Prohibited Substances* and *Prohibited Methods* that will be included on the *Prohibited List*, the classification of substances into categories on the *Prohibited List*, the classification of a substance as prohibited at all times or *In-Competition* only, the classification of a substance or method as a *Specified Substance*, *Specified Method* or *Substance of Abuse* is final and shall not be subject to any challenge by an *Athlete* or other *Person* including, but not limited to, any challenge based on an argument that the substance or method was not a masking agent or did not have the potential to enhance performance, represent a health risk or violate the spirit of sport.

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<sup>27</sup> [Comment to Article 4.3.1.1: This Article anticipates that there may be Substances that, when Used alone, are not prohibited but which will be prohibited if Used in combination with certain other Substances. A Substance which is added to the *Prohibited List* because it has the potential to enhance performance only in combination with another Substance shall be so noted and shall be prohibited only if there is evidence relating to both Substances in combination.]

<sup>28</sup> [Comment to Article 4.3.2: As part of the process each year, all Signatories, governments and other interested Persons are invited to provide comments to WADA on the content of the *Prohibited List*.]



#### 4.4 Therapeutic Use Exemptions (“TUEs”)

4.4.1 The presence of a *Prohibited Substance* or its *Metabolites* or *Markers*, and/or the *Use* or *Attempted Use*, *Possession* or *Administration* or *Attempted Administration* of a *Prohibited Substance* or *Prohibited Method* shall not be considered an anti-doping rule violation if it is consistent with the provisions of a *TUE* granted in accordance with the *International Standard for Therapeutic Use Exemptions*.

4.4.2 *Athletes* who are not *International-Level Athletes* shall apply to their *National Anti-Doping Organization* for a *TUE*. If the *National Anti-Doping Organization* denies the application, the *Athlete* may appeal exclusively to the national-level appeal body described in Article 13.2.2, unless provided otherwise in the *International Standard for Therapeutic Use Exemptions*.

4.4.3 *Athletes* who are *International-Level Athletes* shall apply to their International Federation.

4.4.3.1 Where the *Athlete* already has a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, if that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, then the International Federation must recognize it. If the International Federation considers that the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* and the *Athlete’s National Anti-Doping Organization* promptly, with reasons. The *Athlete* or the *National Anti-Doping Organization* shall have twenty-one (21) days from such notification to refer the matter to *WADA* for review. If the matter is referred to *WADA* for review, the *TUE* granted by the *National Anti-Doping Organization* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*) pending *WADA’s* decision. If the matter is not referred to *WADA* for review within the 21-day deadline, the *Athlete’s National Anti-Doping Organization* must determine whether the original *TUE* granted by that *National Anti-Doping Organization* should nevertheless remain valid for national-level *Competition* and *Out-of-Competition Testing* (provided that the *Athlete* ceases to be an *International-Level Athlete* and does not participate in international-level *Competition*). Pending the *National Anti-Doping Organization’s* decision, the *TUE* remains valid for national-level *Competition* and *Out-of-Competition Testing* (but is not valid for international-level *Competition*).

4.4.3.2 If the *Athlete* does not already have a *TUE* granted by their *National Anti-Doping Organization* for the substance or method in question, the *Athlete* must apply directly to the *Athlete’s International Federation* for a *TUE*. If the International Federation denies the *Athlete’s* application, it must notify the *Athlete* promptly, with reasons. If the International Federation grants the *Athlete’s* application, it must notify not only the *Athlete* but also the *Athlete’s National Anti-Doping Organization*, and if the *National Anti-Doping Organization* considers that the *TUE* does not meet the criteria set out in the *International Standard for Therapeutic Use Exemptions*, it has twenty-one (21) days from such notification to refer the matter to *WADA* for review. If the *National Anti-Doping Organization* refers the matter to *WADA* for review, the

*TUE* granted by the International Federation remains valid for international-level *Competition* and *Out-of-Competition Testing* (but is not valid for national-level *Competition*) pending WADA's decision. If the *National Anti-Doping Organization* does not refer the matter to WADA for review, the *TUE* granted by the International Federation becomes valid for national-level *Competition* as well when the twenty-one (21) day review deadline expires.

- 4.4.4 A *Major Event Organization* may require *Athletes* to apply to it for a *TUE* if they wish to Use a *Prohibited Substance* or a *Prohibited Method* in connection with the *Event*. In that case:
- 4.4.4.1 The *Major Event Organization* must ensure a process is available for an *Athlete* to apply for a *TUE* if he or she does not already have one. If the *TUE* is granted, it is effective for its *Event* only.
- 4.4.4.2 Where the *Athlete* already has a *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation, if that *TUE* meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, the *Major Event Organization* must recognize it. If the *Major Event Organization* decides the *TUE* does not meet those criteria and so refuses to recognize it, it must notify the *Athlete* promptly, explaining its reasons.
- 4.4.4.3 Unless provided otherwise in the *International Standard for Therapeutic Use Exemptions*, a decision by a *Major Event Organization* not to recognize or not to grant a *TUE* may be appealed by the *Athlete* exclusively to an independent body established or appointed by the *Major Event Organization* for that purpose. If the *Athlete* does not appeal (or the appeal is unsuccessful), the *Athlete* may not Use the substance or method in question in connection with the *Event*, but any *TUE* granted by the *Athlete's National Anti-Doping Organization* or International Federation for that substance or method remains valid outside of that *Event*.
- 4.4.5 Retroactive *TUEs* may be granted under the conditions described in the *International Standard for Therapeutic Use Exemptions*.
- 4.4.6 WADA must review an International Federation's decision not to recognize a *TUE* granted by the *National Anti-Doping Organization* that is referred to it by the *Athlete* or the *Athlete's National Anti-Doping Organization*. In addition, WADA must review an International Federation's decision to grant a *TUE* that is referred to it by the *Athlete's National Anti-Doping Organization*. WADA may review any other *TUE* decisions at any time, whether upon request by those affected or on its own initiative. If the *TUE* decision being reviewed meets the criteria set out in the *International Standard for Therapeutic Use Exemptions*, WADA will not interfere with it. If the *TUE* decision does not meet those criteria, WADA will reverse it.<sup>29</sup>

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<sup>29</sup> [Comment to Article 4.4.6: WADA shall be entitled to charge a fee to cover the costs of: (a) any review it is required to conduct in accordance with Article 4.4.6; and (b) any review it chooses to conduct, where the decision being reviewed is reversed.]

- 4.4.7 Unless provided otherwise in the *International Standard for Therapeutic Use Exemptions*, any *TUE* decision by an International Federation that is not reviewed by *WADA*, or that is reviewed by *WADA* but is not reversed upon review, may be appealed by the *Athlete* and/or the *Athlete's National Anti-Doping Organization*, exclusively to *CAS*.
- 4.4.8 A decision by *WADA* to reverse a *TUE* decision may be appealed by the *Athlete*, the *National Anti-Doping Organization* and/or the International Federation affected, exclusively to *CAS*.
- 4.4.9 A failure to render a decision within a reasonable time on a properly submitted application for grant/recognition of a *TUE* or for review of a *TUE* decision shall be considered a denial of the application thus triggering the applicable rights of review/appeal.

#### 4.5 Monitoring Program

*WADA*, in consultation with *Signatories* and governments, shall establish a monitoring program regarding substances which are not on the *Prohibited List*, but which *WADA* wishes to monitor in order to detect potential patterns of misuse in sport. In addition, *WADA* may include in the monitoring program substances that are on the *Prohibited List*, but which are to be monitored under certain circumstances—e.g., *Out-of-Competition Use* of some substances prohibited *In-Competition* only or the combined *Use* of multiple substances at low doses (“stacking”)—in order to establish prevalence of *Use* or to be able to implement adequate decisions in regards to their analysis by laboratories or their status within the *Prohibited List*.

*WADA* shall publish the substances that will be monitored.<sup>30</sup> Laboratories will report the instances of reported *Use* or detected presence of these substances to *WADA*. *WADA* shall make available to International Federations and *National Anti-Doping Organizations*, on at least an annual basis, aggregate information by sport regarding the monitored substances. Such monitoring program reports shall not contain additional details that could link the monitoring results to specific *Samples*. *WADA* shall implement measures to ensure that strict anonymity of individual *Athletes* is maintained with respect to such reports. The reported *Use* or detected presence of a monitored substance shall not constitute an anti-doping rule violation.

## Article 5 Testing and Investigations

### 5.1 Purpose of *Testing* and Investigations

*Testing* and investigations may be undertaken for any anti-doping purpose.<sup>31</sup>

- 5.1.1 *Testing* shall be undertaken to obtain analytical evidence as to whether the *Athlete* has violated Article 2.1 (Presence of a *Prohibited Substance* or its *Metabolites* or *Markers* in an *Athlete's Sample*) or Article 2.2 (*Use* or *Attempted Use* by an *Athlete* of a *Prohibited Substance* or a *Prohibited Method*) of the *Code*.

<sup>30</sup> [Comment to Article 4.5: In order to improve the efficiency of the monitoring program, once a new substance is added to the published monitoring program, laboratories may re-process data and *Samples* previously analyzed in order to determine the absence or presence of any new substance.]

<sup>31</sup> [Comment to Article 5.1: Where *Testing* is conducted for anti-doping purposes, the analytical results and data may be used for other legitimate purposes under the *Anti-Doping Organization's* rules. See, e.g., Comment to Article 23.2.2.]



## 5.2 Authority to Test

Any *Athlete* may be required to provide a *Sample* at any time and at any place by any *Anti-Doping Organization* with *Testing* authority over him or her.<sup>32</sup> Subject to the limitations for *Event Testing* set out in Article 5.3:

- 5.2.1 Each *National Anti-Doping Organization* shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are nationals, residents, license-holders or members of sport organizations of that country or who are present in that *National Anti-Doping Organization's* country.
- 5.2.2 Each International Federation shall have *In-Competition* and *Out-of-Competition Testing* authority over all *Athletes* who are subject to its rules, including those who participate in *International Events* or who participate in *Events* governed by the rules of that International Federation, or who are members or license-holders of that International Federation or its member National Federations, or their members.
- 5.2.3 Each *Major Event Organization*, including the International Olympic Committee and the International Paralympic Committee, shall have *In-Competition Testing* authority for its *Events* and *Out-of-Competition Testing* authority over all *Athletes* entered in one of its future *Events* or who have otherwise been made subject to the *Testing* authority of the *Major Event Organization* for a future *Event*.
- 5.2.4 WADA shall have *In-Competition* and *Out-of-Competition Testing* authority as set out in Article 20.7.10.
- 5.2.5 *Anti-Doping Organizations* may test any *Athlete* over whom they have *Testing* authority who has not retired, including *Athletes* serving a period of *Ineligibility*.
- 5.2.6 If an International Federation or *Major Event Organization* delegates or contracts any part of *Testing* to a *National Anti-Doping Organization* directly or through a National Federation, that *National Anti-Doping Organization* may collect additional *Samples* or direct the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense. If additional *Samples* are collected or additional types of analysis are performed, the International Federation or *Major Event Organization* shall be notified.

## 5.3 Event Testing

- 5.3.1 Except as otherwise provided below, only a single organization shall have authority to conduct *Testing* at *Event Venues* during an *Event Period*. At *International Events*, the international organization which is the ruling body for the *Event* (e.g., the International Olympic Committee for the Olympic Games, the International Federation for a World Championship and Panam Sports for the Pan American Games) shall have authority to conduct *Testing*. At *National Events*, the *National Anti-Doping Organization* of that country shall have authority to conduct *Testing*. At the request of the ruling body for

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<sup>32</sup> [Comment to Article 5.2: Additional authority to conduct *Testing* may be conferred by means of bilateral or multilateral agreements among Signatories. Unless the *Athlete* has identified a sixty-minute *Testing* window during the following described time period, or otherwise consented to *Testing* during that period, before *Testing* an *Athlete* between the hours of 11:00 p.m. and 6:00 a.m., an *Anti-Doping Organization* should have serious and specific suspicion that the *Athlete* may be engaged in doping. A challenge to whether an *Anti-Doping Organization* had sufficient suspicion for *Testing* during this time period shall not be a defense to an anti-doping rule violation based on such test or attempted test.]

an *Event*, any *Testing* during the *Event Period* outside of the *Event Venues* shall be coordinated with that ruling body.<sup>33</sup>

5.3.2 If an *Anti-Doping Organization*, which would otherwise have *Testing* authority but is not responsible for initiating and directing *Testing* at an *Event*, desires to conduct *Testing* of *Athletes* at the *Event Venues* during the *Event Period*, the *Anti-Doping Organization* shall first confer with the ruling body of the *Event* to obtain permission to conduct and coordinate such *Testing*. If the *Anti-Doping Organization* is not satisfied with the response from the ruling body of the *Event*, the *Anti-Doping Organization* may, in accordance with procedures described in the *International Standard for Testing*, ask *WADA* for permission to conduct *Testing* and to determine how to coordinate such *Testing*. *WADA* shall not grant approval for such *Testing* before consulting with and informing the ruling body for the *Event*. *WADA*'s decision shall be final and not subject to appeal. Unless otherwise provided in the authorization to conduct *Testing*, such tests shall be considered *Out-of-Competition* tests. *Results Management* for any such test shall be the responsibility of the *Anti-Doping Organization* initiating the test unless provided otherwise in the rules of the ruling body of the *Event*.<sup>34</sup>

## 5.4 *Testing Requirements*

5.4.1 *Anti-Doping Organizations* shall conduct test distribution planning and *Testing* as required by the *International Standard for Testing*.

5.4.2 Where reasonably feasible, *Testing* shall be coordinated through *ADAMS* in order to maximize the effectiveness of the combined *Testing* effort and to avoid unnecessary repetitive *Testing*.

## 5.5 *Athlete Whereabouts Information*

*Athletes* who have been included in a *Registered Testing Pool* by their International Federation and/or *National Anti-Doping Organization* shall provide whereabouts information in the manner specified in the *International Standard for Testing* and shall be subject to *Consequences* for Article 2.4 violations as provided in Article 10.3.2. The International Federations and *National Anti-Doping Organizations* shall coordinate the identification of such *Athletes* and the collection of their whereabouts information. Each International Federation and *National Anti-Doping Organization* shall make available through *ADAMS* a list which identifies those *Athletes* included in its *Registered Testing Pool* by name and the criteria for their inclusion. *Athletes* shall be notified before they are included in a *Registered Testing Pool* and when they are removed from that pool. The whereabouts information they provide while in the *Registered Testing Pool* will be accessible through *ADAMS* to *WADA* and to other *Anti-Doping Organizations* having authority to test the *Athlete* as provided in Article 5.2. Whereabouts information shall be maintained in strict confidence at all times; shall be used exclusively for purposes of planning, coordinating or conducting *Doping Control*, providing information relevant to the *Athlete Biological Passport* or other analytical results, to support

<sup>33</sup> [Comment to Article 5.3.1: Some ruling bodies for International Events may be doing their own *Testing* outside of the *Event Venues* during the *Event Period* and thus want to coordinate that *Testing* with *National Anti-Doping Organization Testing*.]

<sup>34</sup> [Comment to Article 5.3.2: Before giving approval to a *National Anti-Doping Organization* to initiate and conduct *Testing* at an *International Event*, *WADA* shall consult with the international organization which is the ruling body for the *Event*. Before giving approval to an *International Federation* to initiate and conduct *Testing* at a *National Event*, *WADA* shall consult with the *National Anti-Doping Organization* of the country where the *Event* takes place. The *Anti-Doping Organization* "initiating and directing *Testing*" may, if it chooses, enter into agreements with a *Delegated Third Party* to which it delegates responsibility for *Sample* collection or other aspects of the *Doping Control* process.]

an investigation into a potential anti-doping rule violation, or to support proceedings alleging an anti-doping rule violation; and shall be destroyed after it is no longer relevant for these purposes in accordance with the *International Standard* for Data Protection.

*Anti-Doping Organizations* may, in accordance with the *International Standard for Testing*, collect whereabouts information from *Athletes* who are included within a *Testing Pool* and impose appropriate and proportionate non-Code Article 2.4 consequences under their own rules.

## 5.6 Retired *Athletes* Returning to *Competition*

5.6.1 If an *International* or *National-Level Athlete* in a *Registered Testing Pool* retires and then wishes to return to active participation in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing*, by giving six-months prior written notice to their *International Federation* and *National Anti-Doping Organization*. *WADA*, in consultation with the relevant *International Federation* and *National Anti-Doping Organization*, may grant an exemption to the six-month written notice rule where the strict application of that rule would be unfair to an *Athlete*. The exemption may be subject to one or more conditions that *WADA* and the relevant *Anti-Doping Organizations* may impose at their discretion including, without limitation, a minimum number of tests before participation in *International Events* or *National Events* or a restriction of the participation (during the exemption period) to specific *International* or *National Events*. A decision by *WADA* not to grant an exemption may be appealed under Article 13.2.<sup>35</sup>

5.6.1.1 Any competitive results obtained in violation of Article 5.6.1 shall be *Disqualified* unless the *Athlete* can establish that he or she could not have reasonably known that this was an *International Event* or a *National Event*.

5.6.2 If an *Athlete* retires from sport while subject to a period of *Ineligibility*, the *Athlete* must notify the *Anti-Doping Organization* that imposed the period of *Ineligibility* in writing of such retirement. If the *Athlete* then wishes to return to active competition in sport, the *Athlete* shall not compete in *International Events* or *National Events* until the *Athlete* has made himself or herself available for *Testing* by giving six (6) months prior written notice (or notice equivalent to the period of *Ineligibility* remaining as of the date the *Athlete* retired, if that period was longer than six (6) months) to the *Athlete's* *International Federation* and *National Anti-Doping Organization*.

## 5.7 Investigations and Intelligence Gathering

*Anti-Doping Organizations* shall have the capability to conduct, and shall conduct, investigations and gather intelligence as required by the *International Standard* for Intelligence and Investigations.

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<sup>35</sup> [Comment to Article 5.6.1: Guidance for determining whether an exemption is warranted will be provided by *WADA*.]

## Article 6 Analysis of Samples

*Samples* shall be analyzed in accordance with the following principles:

### 6.1 Use of Accredited, Approved Laboratories and Other Laboratories

For purposes of directly establishing an *Adverse Analytical Finding* under Article 2.1, *Samples* shall be analyzed only in WADA-accredited laboratories or laboratories otherwise approved by WADA. The choice of the WADA-accredited or WADA-approved laboratory used for the *Sample* analysis shall be determined exclusively by the *Anti-Doping Organization* responsible for *Results Management*.<sup>36</sup>

6.1.1 As provided in Article 3.2, facts related to anti-doping rule violations may be established by any reliable means. This would include, for example, reliable laboratory or other forensic testing conducted outside of WADA-accredited or approved laboratories.

### 6.2 Purpose of Analysis of *Samples* and Assessment of Analytical Data

*Samples* and related analytical data or *Doping Control* information shall be analyzed to detect *Prohibited Substances* and *Prohibited Methods* identified on the *Prohibited List* and other substances as may be directed by WADA pursuant to Article 4.5, or to assist an *Anti-Doping Organization* in profiling relevant parameters in an *Athlete's* urine, blood or other matrix, including for DNA or genomic profiling, or for any other legitimate anti-doping purpose.<sup>37</sup>

*Samples* may also be analyzed for:

- (i) Non-prohibited substances or methods that are included in the WADA Monitoring Program (see Article 4.5).
- (ii) Non-prohibited substances for results interpretation purposes (e.g., confounding factors of the “steroid profile”, non-prohibited substances that share *Metabolite(s)* or degradation products with *Prohibited Substances*), if applicable.
- (iii) Non-prohibited substances or methods (including substances prohibited *In-Competition* only and analyzed in *Samples* collected *Out-of-Competition*) if requested as part of a *Results Management* process by the *Results Management* authority, a hearing body or WADA.
- (iv) Non-prohibited substances or methods requested by the *Testing* authority as part of its safety code, code of conduct or other regulations (see comments to Articles 5.1 and 23.2.2), or

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<sup>36</sup> [Comment to Article 6.1: For cost and geographic access reasons, WADA may approve laboratories which are not WADA-accredited to perform particular analyses, for example, analysis of blood which should be delivered from the collection site to the laboratory within a set deadline. Before approving any such laboratory, WADA will ensure it meets the high analytical and custodial standards required by WADA. Violations of Article 2.1 may be established only by *Sample* analysis performed by a WADA-accredited laboratory or another laboratory approved by WADA. Violations of other Articles may be established using analytical results from other laboratories so long as the results are reliable.]

<sup>37</sup> [Comment to Article 6.2: For example, relevant *Doping Control*-related information could be used to direct *Target Testing* or to support an anti-doping rule violation proceeding under Article 2.2, or both. See also Comments to Articles 5.1 and 23.2.2.]

- (v) Additional analysis for Research or *Quality Assurance* in accordance with the requirements indicated in the *Code*.

In principle, all *Samples* collected shall be promptly analyzed. However, the *International Standard* for Laboratories or the *International Standard* for Testing may identify specific conditions under which *Samples* may be collected and stored for possible future analysis.

### 6.3 Research on *Samples* and Data

*Samples*, related analytical data and *Doping Control* information may be used for anti-doping research purposes, although no *Sample* may be used for research without the *Athlete*'s written consent. *Samples* and related analytical data or *Doping Control* information used for research purposes shall first be processed in such a manner as to prevent *Samples* and related analytical data or *Doping Control* information being traced back to a particular *Athlete*.<sup>38</sup> Any research involving *Samples* and related analytical data or *Doping Control* information shall adhere to the principles set out in Article 19.

### 6.4 Standards for *Sample* Analysis and Reporting<sup>39</sup>

Laboratories shall analyze *Samples* and report results in conformity with the *International Standard* for Laboratories.

6.4.1 Laboratories at their own initiative and expense may analyze *Samples* for *Prohibited Substances* or *Prohibited Methods* not included on the standard *Sample* analysis menu, or as requested by the *Anti-Doping Organization* that initiated and directed *Sample* collection. Results from any such analysis shall be reported to that *Anti-Doping Organization* and have the same validity and *Consequences* as any other analytical result.

### 6.5 Further Analysis of a *Sample* Prior to or During *Results Management*

There shall be no limitation on the authority of a laboratory to conduct repeat or additional analysis on a *Sample* prior to the time an *Anti-Doping Organization* notifies an *Athlete* that the *Sample* is the basis for an Article 2.1 anti-doping rule violation charge or after that case has been finally resolved. If after such notification and before the case is finally resolved, the *Anti-Doping Organization* wishes to conduct additional analysis on that *Sample*, it may do so with the consent of the *Athlete* or approval from a hearing body.

### 6.6 Further Analysis of a *Sample* after it has been Reported as Negative or has Otherwise not Resulted in an Anti-Doping Rule Violation Charge

After a laboratory has reported a *Sample* as negative, or the *Sample* has not otherwise resulted in an anti-doping rule violation charge, it may be stored and subjected to further analyses for the purpose of Article 6.2 at any time exclusively at the direction of either the

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<sup>38</sup> [Comment to Article 6.3: As is the case in most medical or scientific contexts, use of *Samples* and related information for *Quality Assurance*, *quality improvement*, *method improvement and development* or to establish reference populations is not considered research. *Samples* and related information used for such permitted non-research purposes must also first be processed in such a manner as to prevent them from being traced back to the particular *Athlete*, having due regard to the principles set out in Article 19, as well as the requirements of the *International Standard* for Laboratories and *International Standard* for Data Protection.]

<sup>39</sup> [Comment to Article 6.4: The objective of this Article is to extend the principle of "Intelligent Testing" to the *Sample* analysis menu so as to most effectively and efficiently detect doping. It is recognized that the resources available to fight doping are limited and that increasing the *Sample* analysis menu may, in some sports and countries, reduce the number of *Samples* which can be analyzed.]



*Anti-Doping Organization* that initiated and directed *Sample* collection or WADA. Any other *Anti-Doping Organization* with authority to test the *Athlete* that wishes to conduct further analysis on a stored *Sample* may do so with the permission of the *Anti-Doping Organization* that initiated and directed *Sample* collection or WADA, and shall be responsible for any follow-up *Results Management*. Any *Sample* storage or further analysis initiated by WADA or another *Anti-Doping Organization* shall be at WADA's or that organization's expense. Further analysis of *Samples* shall conform with the requirements of the *International Standard* for Laboratories.

#### 6.7 Split of A or B *Sample*

Where WADA, an *Anti-Doping Organization* with *Results Management* authority and/or a WADA-accredited laboratory (with approval from WADA or the *Anti-Doping Organization* with *Results Management* authority) wishes to split an A or B *Sample* for the purpose of using the first part of the split *Sample* for an A *Sample* analysis and the second part of the split *Sample* for confirmation, then the procedures set forth in the *International Standard* for Laboratories shall be followed.

#### 6.8 WADA's Right to Take Possession of *Samples* and Data

Notwithstanding Article 6.5, WADA may, in its sole discretion at any time, with or without prior notice, take physical possession of any *Sample* and related analytical data or information in the possession of a laboratory or *Anti-Doping Organization*. Upon request by WADA, the laboratory or *Anti-Doping Organization* in possession of the *Sample* or data shall immediately grant access to and enable WADA to take physical possession of the *Sample* or data.<sup>40</sup> If WADA has not provided prior notice to the laboratory or *Anti-Doping Organization* before taking possession of a *Sample* or data, it shall provide such notice to the laboratory and to each *Anti-Doping Organization* whose *Samples* or data have been taken by WADA within a reasonable time after taking possession. After analysis and any investigation of a seized *Sample* or data, WADA may direct another *Anti-Doping Organization* with authority to test the *Athlete* to assume *Results Management* responsibility for the *Sample* or data if a potential anti-doping rule violation is discovered.<sup>41</sup>

### **Article 7 Results Management: Responsibility, Initial Review, Notice and Provisional Suspensions<sup>42</sup>**

*Results Management* under the Code (as set forth in Articles 7, 8 and 13) establishes a process designed to resolve anti-doping rule violation matters in a fair, expeditious and efficient manner. Each

<sup>40</sup> [Comment to Article 6.8: Resistance or refusal to WADA taking physical possession of *Samples* or data could constitute Tampering, Complicity or an act of non-compliance as provided in the *International Standard* for Code Compliance by Signatories, and could also constitute a violation of the *International Standard* for Laboratories. Where necessary, the laboratory and/or the *Anti-Doping Organization* shall assist WADA in ensuring that the seized *Sample* or data are not delayed in exiting the applicable country.]

<sup>41</sup> [Comment to Article 6.8: WADA would not, of course, unilaterally take possession of *Samples* or analytical data without good cause related to a potential anti-doping rule violation, non-compliance by a Signatory or doping activities by another Person. However, the decision as to whether good cause exists is for WADA to make in its discretion and shall not be subject to challenge. In particular, whether there is good cause or not shall not be a defense against an anti-doping rule violation or its Consequences.]

<sup>42</sup> [Comment to Article 7: Various Signatories have created their own approaches to *Results Management*. While the various approaches have not been entirely uniform, many have proven to be fair and effective systems for *Results Management*. The Code does not supplant each of the Signatories' *Results Management* systems. This Article and the *International Standard* for *Results Management* do, however, specify basic principles in order to ensure the fundamental fairness of the *Results Management* process which must be observed by each Signatory. The specific anti-doping rules of each Signatory shall be consistent with these basic principles. Not all anti-doping proceedings which have been initiated by an *Anti-Doping Organization* need to go to hearing. There may be cases where the *Athlete* or other Person agrees to the sanction which is either mandated by the Code or which the *Anti-Doping Organization* considers appropriate where flexibility in sanctioning is permitted. In all cases, a sanction imposed on

*Anti-Doping Organization* conducting *Results Management* shall establish a process for the pre-hearing administration of potential anti-doping rule violations that respects the principles set forth in this Article. While each *Anti-Doping Organization* is permitted to adopt and implement its own *Results Management* process, *Results Management* for every *Anti-Doping Organization* shall at a minimum meet the requirements set forth in the *International Standard for Results Management*.

## 7.1 Responsibility for Conducting *Results Management*

Except as otherwise provided in Articles 6.6, 6.8 and 7.1.3 through 7.1.5 below, *Results Management* shall be the responsibility of, and shall be governed by, the procedural rules of the *Anti-Doping Organization* that initiated and directed *Sample* collection (or, if no *Sample* collection is involved, the *Anti-Doping Organization* which first provides notice to an *Athlete* or other *Person* of a potential anti-doping rule violation and then diligently pursues that anti-doping rule violation). Regardless of which organization conducts *Results Management*, it shall respect the *Results Management* principles set forth in this Article, Article 8, Article 13 and the *International Standard for Results Management*, and each *Anti-Doping Organization's* rules shall incorporate and implement the rules identified in Article 23.2.2 without substantive change.

7.1.1 If a dispute arises between *Anti-Doping Organizations* over which *Anti-Doping Organization* has *Results Management* responsibility, WADA shall decide which organization has such responsibility. WADA's decision may be appealed to CAS within seven (7) days of notification of the WADA decision by any of the *Anti-Doping Organizations* involved in the dispute. The appeal shall be dealt with by CAS in an expedited manner and shall be heard before a single arbitrator. Any *Anti-Doping Organization* seeking to conduct *Results Management* outside of the authority provided in this Article 7.1 may seek approval to do so from WADA.

7.1.2 Where a *National Anti-Doping Organization* elects to collect additional *Samples* pursuant to Article 5.2.6, then it shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection. However, where the *National Anti-Doping Organization* only directs the laboratory to perform additional types of analysis at the *National Anti-Doping Organization's* expense, then the International Federation or *Major Event Organization* shall be considered the *Anti-Doping Organization* that initiated and directed *Sample* collection.

7.1.3 In circumstances where the rules of a *National Anti-Doping Organization* do not give the *National Anti-Doping Organization* authority over an *Athlete* or other *Person* who is not a national, resident, license holder, or member of a sport organization of that country, or the *National Anti-Doping Organization* declines to exercise such authority, *Results Management* shall be conducted by the applicable International Federation or by a third party with authority over the *Athlete* or other *Person* as directed by the rules of the International Federation. For *Results Management* purposes, for a test or a further analysis conducted by WADA on its own initiative, or an anti-doping rule

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*the basis of such an agreement will be reported to parties with a right to appeal under Article 13.2.3 as provided in Article 14 and published as provided in Article 14.3.]*

violation discovered by WADA, WADA shall designate an *Anti-Doping Organization* with authority over the *Athlete* or other *Person*.<sup>43</sup>

- 7.1.4 For *Results Management* relating to a *Sample* initiated and taken during an *Event* conducted by a *Major Event Organization*, or an anti-doping rule violation occurring during such *Event*, the *Major Event Organization* for that *Event* shall assume *Results Management* responsibility to at least the limited extent of conducting a hearing to determine whether an anti-doping rule violation was committed and, if so, the applicable *Disqualifications* under Articles 9 and 10.1, any forfeiture of any medals, points, or prizes from that *Event*, and any recovery of costs applicable to the anti-doping rule violation. In the event the *Major Event Organization* assumes only limited *Results Management* responsibility, the case shall be referred by the *Major Event Organization* to the applicable International Federation for completion of *Results Management*.
- 7.1.5 WADA may direct an *Anti-Doping Organization* with *Results Management* authority to conduct *Results Management* in a particular case. If that *Anti-Doping Organization* refuses to conduct *Results Management* within a reasonable deadline set by WADA, such refusal shall be considered an act of non-compliance, and WADA may direct another *Anti-Doping Organization* with authority over the *Athlete* or other *Person*, that is willing to do so, to take *Results Management* responsibility in place of the refusing *Anti-Doping Organization* or, if there is no such *Anti-Doping Organization*, any other *Anti-Doping Organization* that is willing to do so. In such case, the refusing *Anti-Doping Organization* shall reimburse the costs and attorney's fees of conducting *Results Management* to the other *Anti-Doping Organization* designated by WADA, and a failure to reimburse costs and attorney's fees shall be considered an act of non-compliance.<sup>44</sup>
- 7.1.6 *Results Management* in relation to a potential whereabouts failure under Article 2.4 shall be administered by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information. *Results Management* in relation to an individual whereabouts failure (a filing failure or missed test) shall be administered by the International Federation or the *National Anti-Doping Organization* with whom the *Athlete* in question files whereabouts information, unless the apparent whereabouts failure has been uncovered by an attempt to test the *Athlete*, in which case that different *Anti-Doping Organization* may, subject to the agreement of the International Federation and/or the *National Anti-Doping Organization* with whom the *Athlete* in question files their whereabouts information, administer *Results Management* for that whereabouts failure (see also the *International Standard for Results Management*). In the event that there is a dispute between *Anti-Doping Organizations* as to which organization should administer *Results Management* for a whereabouts failure, WADA shall determine that question in its entire discretion. For the avoidance of doubt, Article 7.1.1 shall apply by analogy. The *Anti-Doping Organization* that determines a filing failure or a missed test shall

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<sup>43</sup> [Comment to Article 7.1.3: The *Athlete's* or other *Person's* International Federation has been made the *Anti-Doping Organization* of last resort for *Results Management* to avoid the possibility that no *Anti-Doping Organization* would have authority to conduct *Results Management*. An International Federation is free to provide in its own anti-doping rules that the *Athlete's* or other *Person's* National *Anti-Doping Organization* shall conduct *Results Management*.]

<sup>44</sup> [Comment to Article 7.1.5: Where WADA directs another *Anti-Doping Organization* to conduct *Results Management* or other *Doping Control* activities, this is not considered a "delegation" of such activities by WADA.]



submit that information to WADA through ADAMS, where it will be made available to other relevant *Anti-Doping Organizations*.

## 7.2 Review and Notification Regarding Potential Anti-Doping Rule Violations

Review and notification with respect to a potential anti-doping rule violation shall be carried out in accordance with the *International Standard for Results Management*.

## 7.3 Identification of Prior Anti-Doping Rule Violations.

Before giving an *Athlete* or other *Person* notice of a potential anti-doping rule violation as provided above, the *Anti-Doping Organization* shall refer to ADAMS and contact WADA and other relevant *Anti-Doping Organizations* to determine whether any prior anti-doping rule violation exists.

## 7.4 Principles Applicable to *Provisional Suspensions*<sup>45</sup>

### 7.4.1 Mandatory *Provisional Suspension* after an *Adverse Analytical Finding* or *Adverse Passport Finding*

The *Signatories* described below in this paragraph shall adopt rules providing that when an *Adverse Analytical Finding* or *Adverse Passport Finding* (upon completion of the *Adverse Passport Finding* review process)<sup>46</sup> is received for a *Prohibited Substance* or a *Prohibited Method*, other than a *Specified Substance*, *Specified Method* or *Substance of Abuse*, a *Provisional Suspension* shall be imposed promptly upon or after any review and notification required by Article 7.2: where the *Signatory* is the ruling body of an *Event* (for application to that *Event*); where the *Signatory* is responsible for team selection (for application to that team selection); where the *Signatory* is the applicable International Federation; or where the *Signatory* is another *Anti-Doping Organization* which has *Results Management* authority over the alleged anti-doping rule violation<sup>47</sup>. A mandatory *Provisional Suspension* may be eliminated if the *Athlete* demonstrates to the *Results Management* authority or a hearing panel that the violation is likely to have involved a *Contaminated Source*. A hearing body's decision not to eliminate a mandatory *Provisional Suspension* on account of the *Athlete's* assertion regarding a *Contaminated Source* shall not be appealable.

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<sup>45</sup> [Comment to Article 7.4: The *Signatory* imposing a *Provisional Suspension* shall ensure that the *Athlete* is given an opportunity for a *Provisional Hearing* either before or promptly after the imposition of the *Provisional Suspension*, or an expedited final hearing under Article 8 promptly after imposition of the *Provisional Suspension*. The *Athlete* has a right to appeal under Article 13.2.3.

In the rare circumstance where the B Sample analysis does not confirm the A Sample finding, the *Athlete* who had been *Provisionally Suspended* will be allowed, where circumstances permit, to participate in subsequent *Competitions* during the *Event*.

Similarly, depending upon the relevant rules of the International Federation in a *Team Sport*, if the team is still in *Competition*, the *Athlete* may be able to take part in future *Competitions*.

*Athletes* and other *Persons* shall receive credit for a *Provisional Suspension* against any period of *Ineligibility* which is ultimately imposed or accepted as provided in Article 10.13.2.]

<sup>46</sup> [Comment to Article 7.4.1: For the avoidance of doubt, nothing prevents the *Results Management Authority* from imposing, an optional *Provisional Suspension* before the completion of the review process of the *Adverse Passport Finding*.]

<sup>47</sup> [Comment to Article 7.4.1: For the binding effect of, and required follow-up to, a *Provisional Suspension* imposed by a *Major Event Organization*, see Articles 15.1.4 and 15.2.]

#### 7.4.2 Optional *Provisional Suspension* Based on an *Adverse Analytical Finding* for *Specified Substances, Specified Methods, Contaminated Sources, or Other Anti-Doping Rule Violations*

A *Signatory* may adopt rules, applicable to any *Event* for which the *Signatory* is the ruling body or to any team selection process for which the *Signatory* is responsible or where the *Signatory* is the applicable International Federation or has *Results Management* authority over the alleged anti-doping rule violation, permitting *Provisional Suspensions* to be imposed for anti-doping rule violations not covered by Article 7.4.1 prior to analysis of the *Athlete's B Sample* or final hearing as described in Article 8.

#### 7.4.3 Opportunity for Hearing or Appeal

Notwithstanding Articles 7.4.1 and 7.4.2, a *Provisional Suspension* may not be imposed unless the rules of the *Anti-Doping Organization* provide the *Athlete* or other *Person* with: (a) an opportunity for a *Provisional Hearing*, either before the imposition of the *Provisional Suspension* or on a timely basis after the imposition of the *Provisional Suspension*; or (b) an opportunity for an expedited hearing in accordance with Article 8 on a timely basis after imposition of a *Provisional Suspension*. The rules of the *Anti-Doping Organization* shall also provide an opportunity for an expedited appeal against the imposition of a *Provisional Suspension*, or the decision not to impose a *Provisional Suspension*, in accordance with Article 13.

#### 7.4.4 Voluntary Acceptance of *Provisional Suspension*

*Athletes* on their own initiative may voluntarily accept a *Provisional Suspension* if done so prior to the later of: (i) the expiration of ten (10) days from the report of the *B Sample* (or waiver of the *B Sample*) or ten (10) days from the notice of any other anti-doping rule violation, or (ii) the date on which the *Athlete* first competes after such report or notice. Other *Persons* on their own initiative may voluntarily accept a *Provisional Suspension* if done so within ten (10) days from the notice of the anti-doping rule violation. Upon such voluntary acceptance, the *Provisional Suspension* shall have the full effect and be treated in the same manner as if the *Provisional Suspension* had been imposed under Article 7.4.1 or 7.4.2; provided, however, at any time after voluntarily accepting a *Provisional Suspension*, the *Athlete* or other *Person* may withdraw such acceptance, in which event the *Athlete* or other *Person* shall not receive any credit for time previously served during the *Provisional Suspension*.

7.4.5 If a *Provisional Suspension* is imposed based on an *A Sample Adverse Analytical Finding* and a subsequent *B Sample* analysis (if requested by the *Athlete* or *Anti-Doping Organization*) does not confirm the *A Sample* analysis, then the *Athlete* shall not be subject to any further *Provisional Suspension* on account of a violation of Article 2.1. In circumstances where the *Athlete* (or the *Athlete's* team as may be provided in the rules of the applicable *Major Event Organization* or International Federation) has been removed from an *Event* based on a violation of Article 2.1 and the subsequent *B Sample* analysis does not confirm the *A Sample* finding, if, without otherwise affecting the *Event*, it is still possible for the *Athlete* or team to be reinserted, the *Athlete* or team may continue to take part in the *Event*.

### 7.5 Results Management Decisions

- 7.5.1 *Results Management* decisions or adjudications by *Anti-Doping Organizations*, must not purport to be limited to a particular geographic area or sport and shall address and determine without limitation the following issues: (i) whether an anti-doping rule violation was committed or a *Provisional Suspension* should be imposed, the factual basis for such determination, and the specific *Code Articles* violated, and (ii) all *Consequences* flowing from the anti-doping rule violation(s), including applicable *Disqualifications* under Articles 9 and 10.10, any forfeiture of medals or prizes, any period of *Ineligibility* (and the date it begins to run) and any *Financial Consequences*, except that *Major Event Organizations* shall not be required to determine *Ineligibility* or *Financial Consequences* beyond the scope of their *Event*.<sup>48</sup>
- 7.5.2 A *Results Management* decision or adjudication by a *Major Event Organization* in connection with one of its *Events* may be limited in its scope but shall address and determine, at a minimum, the following issues: (i) whether an anti-doping rule violation was committed, the factual basis for such determination, and the specific *Code Articles* violated, and (ii) applicable *Disqualifications* under Articles 9 and 10.1, with any resulting forfeiture of medals, points and prizes. In the event a *Major Event Organization* accepts only limited responsibility for *Results Management* decisions, it must comply with Article 7.1.4.<sup>49</sup>

## 7.6 Notification of *Results Management* Decisions

*Athletes*, other *Persons*, *Signatories* and WADA shall be notified of *Results Management* decisions as provided in Article 14 and the *International Standard for Results Management*.

## 7.7 Retirement from Sport<sup>50</sup>

If an *Athlete* or other *Person* retires while a *Results Management* process is underway, the *Anti-Doping Organization* conducting the *Results Management* process retains authority to complete its *Results Management* process. If an *Athlete* or other *Person* retires before any *Results Management* process has begun, the *Anti-Doping Organization* which would have had *Results Management* authority over the *Athlete* or other *Person* at the time the *Athlete* or other *Person* committed an anti-doping rule violation, has authority to conduct *Results Management*.

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<sup>48</sup> [Comment to Article 7.5.1: *Results Management* decisions include *Provisional Suspensions*.]

<sup>49</sup> [Comment to Article 7.5.2: *With the exception of Results Management decisions by Major Event Organizations, each decision by an Anti-Doping Organization should address whether an anti-doping rule violation was committed and all Consequences flowing from the violation, including any Disqualifications other than Disqualification under Article 10.1 (which is left to the ruling body for an Event). Pursuant to Article 15, such decision and its imposition of Consequences shall have automatic effect in every sport in every country. For example, for a determination that an Athlete committed an anti-doping rule violation based on an Adverse Analytical Finding for a Sample taken In-Competition, the Athlete's results obtained in the Competition would be Disqualified under Article 9 and all other competitive results obtained by the Athlete from the date the Sample was collected through the duration of the period of Ineligibility are also Disqualified under Article 10.10; if the Adverse Analytical Finding resulted from Testing at an Event, it would be the Major Event Organization's responsibility to decide whether the Athlete's other individual results in the Event prior to Sample collection are also Disqualified under Article 10.1.]*

<sup>50</sup> [Comment to Article 7.7: *Conduct by an Athlete or other Person before the Athlete or other Person was subject to the authority of any Anti-Doping Organization would not constitute an anti-doping rule violation but could be a legitimate basis for denying the Athlete or other Person membership in a sports organization.*]

## Article 8 Results Management: Right to a Fair Hearing and Notice of Hearing Decision

### 8.1 Fair Hearings

For any *Person* who is asserted to have committed an anti-doping rule violation, the *Anti-Doping Organization* with responsibility for *Results Management* shall provide, at a minimum, a fair hearing within a reasonable time by a fair, impartial and *Operationally Independent* hearing panel in compliance with the *WADA International Standard for Results Management*. A timely reasoned decision specifically including an explanation of the reason(s) for any period of *Ineligibility* and *Disqualification* of results under Article 10.10 shall be *Publicly Disclosed* as provided in Article 14.3.<sup>51</sup>

### 8.2 Event Hearings

Hearings held in connection with *Events* may be conducted by an expedited process as permitted by the rules of the relevant *Anti-Doping Organization* and the hearing panel.<sup>52</sup>

### 8.3 Waiver of Hearing

The right to a hearing may be waived either expressly or by the *Athlete's* or other *Person's* failure to challenge an *Anti-Doping Organization's* assertion that an anti-doping rule violation has occurred within the specific time period provided in the *Anti-Doping Organization's* rules.

### 8.4 Notice of Decisions

The reasoned hearing decision, or in cases where the hearing has been waived, a reasoned decision explaining the action taken, shall be provided by the *Anti-Doping Organization* with *Results Management* responsibility to the *Athlete* and to other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14 and published in accordance with Article 14.3.

### 8.5 Single Hearing Before CAS

Anti-doping rule violations asserted against *International-Level Athletes*, *National-Level Athletes* or other *Persons* may, with the consent of the *Athlete* or other *Person*, the *Anti-Doping Organization* with *Results Management* responsibility, and *WADA*, be heard in a single hearing directly at *CAS*.<sup>53</sup>

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<sup>51</sup> [Comment to Article 8.1: This Article requires that at some point in the Results Management process, the Athlete or other Person shall be provided the opportunity for a timely, fair and impartial hearing. These principles are also found in Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms and are principles generally accepted in international law. This Article is not intended to supplant each Anti-Doping Organization's own rules for hearings but rather to ensure that each Anti-Doping Organization provides a hearing process consistent with these principles.]

<sup>52</sup> [Comment to Article 8.2: For example, a hearing could be expedited on the eve of a major Event where the resolution of the anti-doping rule violation is necessary to determine the Athlete's eligibility to participate in the Event or during an Event where the resolution of the case will affect the validity of the Athlete's results or continued participation in the Event.]

<sup>53</sup> [Comment to Article 8.5: In some cases, the combined cost of holding a hearing in the first instance at the international or national level, then rehearing the case de novo before CAS can be very substantial. Where all of the parties identified in this Article are satisfied that their interests will be adequately protected in a single hearing, there is no need for the Athlete or Anti-Doping Organizations to incur the extra expense of two hearings. An Anti-Doping Organization may participate in the CAS hearing as an observer.]

## Article 9 Automatic *Disqualification* of Individual Results

An anti-doping rule violation in *Individual Sports* in connection with an *In-Competition* test automatically leads to *Disqualification* of the result obtained in that *Competition* with all resulting *Consequences*, including forfeiture of any medals, points and prizes.<sup>54</sup>

## Article 10 Sanctions on Individuals<sup>55</sup>

### 10.1 *Disqualification* of Results in the *Event* during which an Anti-Doping Rule Violation Occurs

An anti-doping rule violation occurring during or in connection with an *Event* may, upon the decision of the ruling body of the *Event*, lead to *Disqualification* of all of the *Athlete's* individual results obtained in that *Event* with all *Consequences*, including forfeiture of all medals, points and prizes, except as provided in Article 10.1.1.<sup>56</sup>

Factors to be included in considering whether to *Disqualify* other results in an *Event* might include, for example, the seriousness of the *Athlete's* anti-doping rule violation and whether the *Athlete* tested negative in the other *Competitions*.

10.1.1 If the *Athlete* establishes that he or she bears *No Fault* or *Negligence* for the violation, the *Athlete's* individual results in the other *Competitions* shall not be *Disqualified*, unless the *Athlete's* results in *Competitions* other than the *Competition* in which the anti-doping rule violation occurred were likely to have been affected by the *Athlete's* anti-doping rule violation.

### 10.2 *Ineligibility* for Presence, *Use* or *Attempted Use* or *Possession* of a *Prohibited Substance* or *Prohibited Method*

The period of *Ineligibility* for a violation of Article 2.1, 2.2 or 2.6 shall be as follows, subject to potential elimination, reduction or suspension pursuant to Article 10.5, 10.6 or 10.7<sup>57</sup>:

10.2.1 For anti-doping rule violations that do not involve a *Specified Substance* or a *Specified Method* and, in the case of Articles 2.1 and 2.2 where the *Athlete* can establish how the *Prohibited Substance* entered their system, the period of

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<sup>54</sup> [Comment to Article 9: For Team Sports, any awards received by individual players will be *Disqualified*. However, *Disqualification* of the team will be as provided in Article 11. In sports which are not Team Sports but where awards are given to teams, *Disqualification* or lower placement of the Team when one or more team members have committed an anti-doping rule violation shall be as provided in the applicable rules of the International Federation. In cases where team points earned by an individual *Athlete* who committed anti-doping rule violations during the team *Competition* for an individual are taken away, resulting in a lower placement for the team, that shall not be considered a sanction or disciplinary action against either the Team or the other *Athletes* participating in the team event who have not committed an anti-doping rule violation.]

<sup>55</sup> [Comment to Article 10: Harmonization of sanctions has been one of the most discussed and debated areas of anti-doping. Harmonization means that the same rules and criteria are applied to assess the unique facts of each case. Arguments against requiring harmonization of sanctions are based on differences between sports including, for example, the following: in some sports the *Athletes* are professionals making a sizable income from the sport and in others the *Athletes* are true amateurs; in those sports where an *Athlete's* career is short, a standard period of *Ineligibility* has a much more significant effect on the *Athlete* than in sports where careers are traditionally much longer. A primary argument in favor of harmonization is that it is simply not right that two *Athletes* from the same country who test positive for the same *Prohibited Substance* under similar circumstances should receive different sanctions only because they participate in different sports. In addition, too much flexibility in sanctioning has often been viewed as an unacceptable opportunity for some sporting organizations to be more lenient with dopers. The lack of harmonization of sanctions has also frequently been the source of conflicts between International Federations and National Anti-Doping Organizations.]

<sup>56</sup> [Comment to Article 10.1: Whereas Article 9 *Disqualifies* the result in a single *Competition* in which the *Athlete* tested positive (e.g., the 100 meter backstroke), this Article may lead to *Disqualification* of all results in all races during the *Event* (e.g., the swimming World Championships).]

<sup>57</sup> [Comment to Article 10.2: Before considering whether Article 10.5 or Article 10.6 apply, the Anti-Doping Organization (or hearing panel) must first determine whether the *Athlete* has satisfied their burden of establishing that the violation was not intentional. To do that, the *Athlete* must, except for the narrowest of corridors described in Article 10.2.2.2, show how the *Prohibited Substance* entered their system and also that the timing of such ingestion or *Use* is consistent with the analytical results from their Sample.]



*Ineligibility* shall, subject to Articles 10.2.2 and 10.2.4, be four (4) years. The four (4) year period of *Ineligibility* may be reduced as follows:

- 10.2.1.1 Where the *Athlete* or other *Person* can establish that they did not engage in conduct which they knew constituted an anti-doping rule violation, the period of *Ineligibility* shall be three (3) years.
  - 10.2.1.2 Where the *Athlete* or other *Person* can establish that they did not engage in conduct which they knew constituted an anti-doping rule violation or knew that it involved a significant risk that the conduct might constitute or result in an anti-doping rule violation and manifestly disregarded that risk, the period of *Ineligibility* shall be two (2) years.
  - 10.2.1.3 For an anti-doping rule violation resulting from an *Adverse Analytical Finding* for a substance which is only prohibited *In-Competition* and the *Athlete* can establish that the *Prohibited Substance* was *Used Out-of-Competition* in a context unrelated to sport performance, the period of *Ineligibility* shall be two (2) years.
- 10.2.2 For anti-doping rule violations that do not involve a *Specified Substance* or a *Specified Method* and where an *Athlete* cannot establish how the *Prohibited Substance* entered their system, the following shall apply:
- 10.2.2.1 Except in the case of *Protected Persons* or *Recreational Athletes*, no reduction to the period of *Ineligibility* shall be allowed for *No Fault* or *Negligence* or *No Significant Fault* or *Negligence* (This is based on the definition of those terms which requires that the *Athlete* must establish how the *Prohibited Substance* entered the *Athlete's* system).
  - 10.2.2.2 In exceptional cases where the *Athlete* can establish to the comfortable satisfaction of the decision making body that, based on reliable analytical evidence, the anti-doping rule violation was not compatible with the intentional use (as described in Articles 10.2.1.1 and 10.2.1.2) of a *Prohibited Substance*; then the period of *Ineligibility* may be reduced to three (3) years.<sup>58</sup>
- 10.2.3 For anti-doping rule violations that involve a *Specified Substance* or a *Specified Method*, the period of *Ineligibility*, subject to Article 10.2.4, shall be two (2) years, subject to increase as follows:
- 10.2.3.1 Where the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* engaged in conduct which they knew involved a significant risk that the conduct might constitute or result in an anti-doping rule

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<sup>58</sup> [Comment to Article 10.2.2: While it is theoretically possible for an *Athlete* to establish entitlement to a reduction under this Article without showing how the *Prohibited Substance* entered their system, this has been described in cases as the "narrowest of corridors." In order to access this exceptionally narrow corridor, an *Athlete* must present reliable analytical evidence establishing that the *Anti-Doping Rule of Violation* was not compatible with intentional or reckless Use of a *Prohibited Substance*. For example, reliable analytical evidence could include the detection of a non-therapeutic amount of the *Prohibited Substance* in the *Athlete's* Sample coupled with a metabolic profile indicating very recent Administration or prior or subsequent Samples from the *Athlete* which confirm that the *Prohibited Substance* detected was not the tail end of the excretion curve from a therapeutic dose or other doping regimen. Hair tests are unlikely to serve as reliable evidence to disprove intentional doping. See *Iannone v. FIM & WADA*; CAS 2020/A/6978-7068. Further, evidence in the form of negative Testing history, change, or lack of change, in body mass or competitive results, lack of motivation to dope and testimony of the *Athlete* and the *Athlete* supporters, shall not be sufficient to justify a reduction in the period of *Ineligibility*.

violation and manifestly disregarded that risk, the period of *Ineligibility* shall be three (3) years.

10.2.3.2 Where the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* was engaged in conduct which they knew constituted an anti-doping rule violation, the period of *Ineligibility* shall be four (4) years.

10.2.4 Notwithstanding any other provision in Article 10.2, where the anti-doping rule violation involves a *Substance of Abuse*:

10.2.4.1 If the *Athlete* can establish that any ingestion or *Use* occurred *Out-of-Competition* and was unrelated to sport performance, then the period of *Ineligibility* shall be two (2) months *Ineligibility*.

For any subsequent violation involving the same *Substance of Abuse*, the period of *Ineligibility* calculated under this Article 10.2.4.1 shall be four (4) months which may be reduced to two (2) months if the *Athlete* or other *Person* enters a *Substance of Abuse* treatment program approved by the *Anti-Doping Organization* with *Results Management* responsibility.<sup>59</sup> The period of *Ineligibility* established in this Article 10.2.4.1 is not subject to any reduction based on any provision in Article 10.6.

10.2.4.2 If the ingestion, *Use* or *Possession* occurred *In-Competition*, and the *Athlete* can establish that the context of the ingestion, *Use* or *Possession* was unrelated to sport performance, then the ingestion, *Use* or *Possession* shall not be considered intentional for purposes of Article 10.2.1 and shall not provide a basis for a finding of *Aggravating Circumstances* under Article 10.4.

### 10.3 *Ineligibility* for Other Anti-Doping Rule Violations

The period of *Ineligibility* for anti-doping rule violations other than as provided in Article 10.2 shall be as follows, unless Article 10.6 or 10.7 are applicable:

10.3.1 For violations of Article 2.3 or 2.5, the period of *Ineligibility* shall be four (4) years except: (i) in the case of failing to submit to *Sample* collection, if the *Athlete* can establish that the commission of the anti-doping rule violation was not intentional, the period of *Ineligibility* shall be two (2) years; (ii) in all other cases, if the *Athlete* or other *Person* can establish exceptional circumstances that justify a reduction of the period of *Ineligibility*, the period of *Ineligibility* shall be in a range from two (2) years to four (4) years depending on the *Athlete* or other *Person's* degree of *Fault*; or (iii) in a case involving a *Protected Person* or *Recreational Athlete*, the period of *Ineligibility* shall be in a range between a maximum of two (2) years and, at a

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<sup>59</sup> [Comment to Article 10.2.4.1: The determinations as to whether the treatment program is approved shall be made in the sole discretion of the *Anti-Doping Organization*. This Article is intended to give *Anti-Doping Organizations* the leeway to apply their own judgment to identify and approve legitimate and reputable, as opposed to "sham", treatment programs. It is anticipated, however, that the characteristics of legitimate treatment programs may vary widely and change over time such that it would not be practical for WADA to develop mandatory criteria for acceptable treatment programs. The *Anti-Doping Organization* may also impose a sanction of 2 months if, in its sole discretion, it determines that treatment is not necessary, for example the *Adverse Analytical Finding* resulted from the ingestion of coca tea. This Article also applies to different routes by which a *Substance of Abuse* may be ingested, e.g., drinking coca tea.]

minimum, a reprimand and no period of *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

- 10.3.2 For violations of Article 2.4, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on if the *Athlete* can establish circumstances mitigating the *Athlete's* degree of *Fault*. *Fault* shall be assessed equally against all three whereabouts failures with the expectation that the *Athlete* should be on heightened alert after the first and second failures. The flexibility between two (2) years and one (1) year of *Ineligibility* in this Article is not available to *Athletes* where a pattern of last-minute whereabouts changes or other conduct raises a serious suspicion that the *Athlete* was trying to avoid being available for *Testing*.<sup>60</sup>
- 10.3.3 For violations of Article 2.7 or 2.8, the period of *Ineligibility* shall be a minimum of four (4) years up to lifetime *Ineligibility*, depending on the seriousness of the violation. An Article 2.7 or Article 2.8 violation involving a *Protected Person* shall be considered a particularly serious violation and, if committed by *Athlete Support Personnel* for violations other than for *Specified Substances*, shall result in lifetime *Ineligibility* for *Athlete Support Personnel*. In addition, significant violations of Article 2.7 or 2.8 which may also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.<sup>61</sup>
- 10.3.4 For violations of Article 2.9, the period of *Ineligibility* imposed shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation.
- 10.3.5 For violations of Article 2.10, the period of *Ineligibility* shall be two (2) years, subject to reduction down to a minimum of one (1) year, depending on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case.<sup>62</sup>
- 10.3.6 For violations of Article 2.11, the period of *Ineligibility* shall be a minimum of two (2) years, up to lifetime *Ineligibility*, depending on the seriousness of the violation by the *Athlete* or other *Person*.<sup>63</sup>

#### 10.4 *Aggravating Circumstances* which may Increase the Period of *Ineligibility*

If the *Anti-Doping Organization* establishes in an individual case involving an anti-doping rule violation other than violations under Article 2.7 (*Trafficking* or *Attempted Trafficking*), 2.8 (*Administration* or *Attempted Administration*), 2.9 (*Complicity* or *Attempted Complicity*) or 2.11 (*Acts by an Athlete* or *Other Person* to Discourage or Retaliate Against Reporting) that

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<sup>60</sup> [Comment to Article 10.3.2: The whereabouts requirements in the Code and International Standards for Testing are a fundamental part of any effective effort to combat doping in sport. In order to deter and detect cheating, Anti-Doping Organizations must be able to conduct no advance notice, Out-of-Competition Testing based upon reliable whereabouts information. The whereabouts requirements in the Code also allow clean athletes to credibly claim that they are subject to Testing at any time so that the public can have confidence that they are clean. Whereabouts failures are not just "paperwork violations," they directly undermine the ability of Anti-Doping Organizations to catch doped Athletes and the public's confidence in the accountability of clean athletes.]

<sup>61</sup> [Comment to Article 10.3.3: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for accreditation, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

<sup>62</sup> [Comment to Article 10.3.5: Where the "other Person" referenced in Article 2.10 (Prohibited Association by an Athlete or Other Person) is an entity and not an individual, that entity may be disciplined as provided in Article 12.]

<sup>63</sup> [Comment to Article 10.3.6: Conduct that is found to violate both Article 2.5 (Tampering) and Article 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) shall be sanctioned based on the violation that carries the more severe sanction.]



*Aggravating Circumstances* are present which justify the imposition of a period of *Ineligibility* greater than the standard sanction, then the period of *Ineligibility* otherwise applicable shall be increased by an additional period of *Ineligibility* of up to two (2) years depending on the seriousness of the violation and the nature of the *Aggravating Circumstances*, unless the *Athlete* or other *Person* can establish that he or she did not knowingly commit the anti-doping rule violation.<sup>64</sup>

#### 10.5 Elimination of the Period of *Ineligibility* where there is *No Fault* or *Negligence*

If an *Athlete* or other *Person* establishes in an individual case that he or she bears *No Fault* or *Negligence*, then the otherwise applicable period of *Ineligibility* shall be eliminated.<sup>65</sup>

#### 10.6 Reduction of the Period of *Ineligibility* based on *No Significant Fault* or *Negligence*

##### 10.6.1 Reduction of Sanctions in Particular Circumstances for Violations of Article 2.1, 2.2 or 2.6.

All reductions under Article 10.6.1 are mutually exclusive and not cumulative.

##### 10.6.1.1 *Specified Substances* or *Specified Methods*

Where the anti-doping rule violation involves a *Specified Substance* (other than a *Substance of Abuse*) or *Specified Method*, and the *Athlete* or other *Person* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years of *Ineligibility*, depending on the *Athlete's* or other *Person's* degree of *Fault*.

##### 10.6.1.2 *Contaminated Source*

In cases where the *Athlete* or other *Person* can establish both *No Significant Fault* or *Negligence* and that the detected *Prohibited Substance* came from a *Contaminated Source*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Athlete* or other *Person's* degree of *Fault*.<sup>66</sup>

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<sup>64</sup> [Comment to Article 10.4: Violations under Articles 2.7 (Trafficking or Attempted Trafficking), 2.8 (Administration or Attempted Administration), 2.9 (Complicity or Attempted Complicity) and 2.11 (Acts by an Athlete or Other Person to Discourage or Retaliate Against Reporting to Authorities) are not included in the application of Article 10.4 because the sanctions for these violations already build in sufficient discretion up to a lifetime ban to allow consideration of any Aggravating Circumstance.]

<sup>65</sup> [Comment to Article 10.5: This Article and Article 10.6.2 apply only to the imposition of sanctions; they are not applicable to the determination of whether an anti-doping rule violation has occurred. They will only apply in exceptional circumstances, for example, where an Athlete could prove that, despite all due care, he or she was sabotaged by a competitor. Conversely, No Fault or Negligence would not apply in the following circumstances: (a) a positive test resulting from a mislabeled or contaminated vitamin or nutritional supplement (Athletes are responsible for what they ingest (Article 2.1) and have been warned against the possibility of supplement contamination); (b) the Administration of a Prohibited Substance by the Athlete's personal physician or trainer without disclosure to the Athlete (Athletes are responsible for their choice of medical personnel and for advising medical personnel that they cannot be given any Prohibited Substance); and (c) sabotage of the Athlete's food or drink by a spouse, coach or other Person within the Athlete's circle of associates (Athletes are responsible for what they ingest and for the conduct of those Persons to whom they entrust access to their food and drink). However, depending on the unique facts of a particular case, any of the referenced illustrations could result in a reduced sanction under Article 10.6 based on No Significant Fault or Negligence.]

<sup>66</sup> [Comment to Article 10.6.1.2: In order to receive the benefit of this Article, the Athlete or other Person must establish not only that the detected Prohibited Substance came from a Contaminated Source, that the Athlete ingested or Used, and that the analytical results are consistent with that Use, the Athlete must also separately establish No Significant Fault or Negligence. It should be further noted that Athletes are on notice that they take nutritional supplements and medications at their own risk. The sanction reduction based on No Significant Fault or Negligence has rarely been

### 10.6.1.3 *Protected Persons or Recreational Athletes*

Where the anti-doping rule violation not involving a *Substance of Abuse* is committed by a *Protected Person* or *Recreational Athlete*, and the *Protected Person* or *Recreational Athlete* can establish *No Significant Fault* or *Negligence*, then the period of *Ineligibility* shall be, at a minimum, a reprimand and no period of *Ineligibility*, and at a maximum, two (2) years *Ineligibility*, depending on the *Protected Person* or *Recreational Athlete's* degree of *Fault*.

### 10.6.2 Application of *No Significant Fault or Negligence* beyond the Application of Article 10.6.1<sup>67</sup>

If an Athlete or other Person establishes in an individual case where Article 10.6.1 is not applicable, that he or she bears *No Significant Fault* or *Negligence*, then, subject to further reduction or elimination as provided in Article 10.7, the otherwise applicable period of *Ineligibility* may be reduced based on the Athlete or other Person's degree of *Fault*, but the reduced period of *Ineligibility* may not be less than one-half of the period of *Ineligibility* otherwise applicable. If the otherwise applicable period of *Ineligibility* is a lifetime, the reduced period under this Article may be no less than eight (8) years.

## 10.7 Elimination, Reduction, or Suspension of Period of *Ineligibility* or Other *Consequences* for Reasons Other than *Fault*

### 10.7.1 *Substantial Assistance* in Discovering or Establishing Code Violations<sup>68</sup>

10.7.1.1 An *Anti-Doping Organization* with *Results Management* responsibility for an anti-doping rule violation may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *Substantial Assistance* to an *Anti-Doping Organization*, criminal authority, professional disciplinary body or sport integrity authority which is likely to result in:

- (i) The *Anti-Doping Organization* discovering or bringing forward an anti-doping rule violation by another *Person*; or

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applied in nutritional supplement or medication cases unless the Athlete has exercised a high level of caution before taking the Contaminated product. In assessing whether the Athlete can establish the source of the Prohibited Substance, it would, for example, be significant for purposes of establishing whether the Athlete actually Used the contaminated nutritional supplement or medication, whether the Athlete had declared the product which was subsequently determined to be contaminated on the Doping Control form.

Where the Athlete establishes that an Adverse Analytical Finding results from a Contaminated Source such as public tap water or lake water in circumstances where no reasonable person would expect any risk of an anti-doping rule violation, *No Fault* or *Negligence* under Article 10.5 may be applicable.]

<sup>67</sup> [Comment to Article **Error! Reference source not found.**: Article **Error! Reference source not found.** may be applied to any anti-doping rule violation, except those Articles where intent is an element of the anti-doping rule violation (e.g., Article 2.5, 2.7, 2.8, 2.9 or 2.11) or an element of a particular sanction (e.g., Article 10.2.1) or a range of *Ineligibility* is already provided in an Article based on the Athlete or other Person's degree of *Fault*.]

<sup>68</sup> [Comment to Article 10.7.1: The cooperation of Athletes, Athlete Support Personnel and other Persons who acknowledge their mistakes and are willing to bring other anti-doping rule violations to light is important to clean sport.]

- (ii) a criminal or disciplinary body discovering or bringing forward a criminal offense or breach of professional rules committed by another *Person* providing *Substantial Assistance* is made available to the *Anti-Doping Organization with Results Management* responsibility; or
- (iii) WADA initiating a proceeding against a *Signatory*, WADA-accredited laboratory or *Athlete* passport management unit (as defined in the *International Standard for Laboratories*) for non-compliance with the *Code*, *International Standard* or *Technical Document*; or
- (iv) with the approval of WADA, a criminal or disciplinary body discovering or bringing forward a criminal offense or the breach of professional or sport rules arising out of a sport integrity violation other than doping.

After an appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the *Substantial Assistance* provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport, non-compliance with the *Code* and/or sport integrity violations. In determining the length of the period for which *Consequences* are suspended, the value of the *Substantial Assistance* shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*.<sup>69</sup> However, no more than three-quarters of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than eight (8) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

The *Anti-Doping Organization with Results Management* authority may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received, increase the amount of *Consequences* suspended.

If so requested by an *Athlete* or other *Person* who seeks to provide *Substantial Assistance*, the *Anti-Doping Organization with Results Management* responsibility shall allow the *Athlete* or other *Person* to provide the information to the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

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<sup>69</sup> [Comment to Article 10.7.1.1: In evaluating the value of the *Substantial Assistance* provided, priority shall be given to assistance which is important to anti-doping efforts and enforcement of the *Code*. Most important are situations where: *Protected Persons* have been doped by *Athlete Support Personnel* or other *Persons*: where a doping scheme involves a public authority, *Anti-Doping Organization*, WADA accredited or approved laboratory, or other *Code Signatories* or their members: where the doping scheme involves the Use of a *Prohibited Substance* or *Prohibited Method* which is particularly difficult to detect, or where the doping scheme involves multiple *Athletes*.]

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the complete and credible *Substantial Assistance* upon which a suspension of *Consequences* was based, the *Anti-Doping Organization* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organization* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA must be notified of any appeal to CAS involving Article 10.7. If WADA is not already a party, WADA shall have the right to intervene as a party in that proceeding.

10.7.1.2 To further encourage *Athletes* and other *Persons* to provide *Substantial Assistance* to *Anti-Doping Organizations*, at the request of the *Anti-Doping Organization* conducting *Results Management* or at the request of the *Athlete* or other *Person* who has, or has been asserted to have, committed an anti-doping rule violation, or other violation of the *Code*, WADA may agree at any stage of the *Results Management* process, including after an appellate decision under Article 13, to what it considers to be an appropriate suspension of the otherwise-applicable period of *Ineligibility* and other *Consequences*. In exceptional circumstances, WADA may agree to suspensions of the period of *Ineligibility* and other *Consequences* for *Substantial Assistance* greater than those otherwise provided in this Article, or even no period of *Ineligibility*, no mandatory *Public Disclosure* and/or no return of prize money or payment of fines or costs. WADA's approval shall be subject to reinstatement of *Consequences*, as otherwise provided in this Article.

10.7.1.3 If an *Anti-Doping Organization* suspends any part of an otherwise applicable sanction because of *Substantial Assistance*, then notice providing justification for the decision shall be provided to the other *Anti-Doping Organizations* with a right to appeal under Article 13.2.3 as provided in Article 14.

In unique circumstances where WADA determines that it would be in the best interest of anti-doping, WADA may authorize an *Anti-Doping Organization* to enter into appropriate confidentiality agreements limiting or delaying the disclosure of the *Substantial Assistance* agreement or the nature of *Substantial Assistance* being provided.

10.7.2 Other Valuable Information and Assistance in the effort to eliminate doping in sport

An *Anti-Doping Organization* with *Results Management* authority for an anti-doping rule violation may, prior to an appellate decision under Article 13 or the expiration of the time to appeal, suspend a part of the *Consequences* (other than *Disqualification* and mandatory *Public Disclosure*) imposed in an individual case where the *Athlete* or other *Person* has provided *other valuable information and assistance which does not meet all of the requirements for Substantial Assistance* but is still very valuable

to the effort to eliminate doping in sport.<sup>70</sup>

After an appellate decision under Article 13 or the expiration of time to appeal, an *Anti-Doping Organization* may only suspend a part of the otherwise applicable *Consequences* with the approval of WADA and the applicable International Federation.

The extent to which the otherwise applicable period of *Ineligibility* may be suspended shall be based on the value of the information and assistance provided by the *Athlete* or other *Person* to the effort to eliminate doping in sport. In determining the length of the period for which *Consequences* are suspended, the value of the information and assistance shall be evaluated in terms of months or years rather than as a percentage of the original period of *Ineligibility*. However, no more than fifteen percent (15%) of the otherwise applicable period of *Ineligibility* may be suspended. If the otherwise applicable period of *Ineligibility* is a lifetime, the non-suspended period under this Article must be no less than sixteen (16) years. For purposes of this paragraph, the otherwise applicable period of *Ineligibility* shall not include any period of *Ineligibility* that could be added under Article 10.9.3.2.

The *Anti-Doping Organization* with *Results Management* authority may suspend a smaller portion of the *Consequences* in an initial decision and, based on reconsideration of the value of the information received, increase the amount of *Consequences* suspended.

If so requested by an *Athlete* or other *Person* who seeks to provide other valuable information and assistance, the *Anti-Doping Organization* with *Results Management* authority shall allow the *Athlete* or other *Person* to provide the information to the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.

If the *Athlete* or other *Person* fails to continue to cooperate and to provide the other valuable information and assistance upon which the suspension of *Consequences* was based, the *Anti-Doping Organization* that suspended *Consequences* shall reinstate the original *Consequences*. If an *Anti-Doping Organization* decides to reinstate suspended *Consequences* or decides not to reinstate suspended *Consequences*, that decision may be appealed by any *Person* entitled to appeal under Article 13.

WADA must be notified of any appeal to CAS involving Article 10.7. If WADA is not already a party, WADA shall have a right to intervene as a party in that proceeding.

### 10.7.3 Admission of an Anti-Doping Rule Violation in the Absence of Other Evidence

Where an *Athlete* or other *Person* voluntarily admits the commission of an anti-doping rule violation before having received notice of a *Sample* collection which

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<sup>70</sup> [Comment to Article 10.7.2: Substantial Assistance under Article 10.7.1 requires the disclosure of misconduct by another Person. This Article 10.7.2 does not. The Athlete or other Person is still required to provide full and credible information without holding anything back, including the identity of other involved parties. However, it may simply be the case that they don't have any information regarding the conduct of another Person. For example, if an Athlete discloses their use of an effective doping regimen or new substance in a prohibited class which they learned about from the internet that has allowed their doping to avoid being detected, this type of information would be highly valuable to the effort to eliminate doping even if the Athlete is not able to provide evidence regarding the involvement of another Person.]



could establish an anti-doping rule violation (or, in the case of an anti-doping rule violation other than Article 2.1, before receiving first notice of the admitted violation pursuant to Article 7) and that admission is the only reliable evidence of the violation at the time of admission, then the period of *Ineligibility* may be reduced, but not below one-half of the period of *Ineligibility* otherwise applicable.<sup>71</sup>

#### 10.7.4 Application of Multiple Grounds for Reduction of a Sanction

Where an *Athlete* or other *Person* establishes entitlement to reduction in sanction under more than one provision of Article 10.6 or 10.7, before applying any reduction or suspension under Article 10.7, the otherwise applicable period of *Ineligibility* shall be determined in accordance with Articles 10.2, 10.3, 10.6 and 10.8. If the *Athlete* or other *Person* establishes entitlement to a reduction or suspension of the period of *Ineligibility* under Article 10.7, then the period of *Ineligibility* may be reduced or suspended, but not below fifteen percent (15%) of the otherwise applicable period of *Ineligibility*.

### 10.8 Results Management Agreements

#### 10.8.1 Period of *Ineligibility* Reduction for Anti-Doping Rule Violations Based on Early Admission and Acceptance of Sanction

After being notified by an *Anti-Doping Organization* of a potential anti-doping rule violation, and no later than twenty (20) days after receiving notice of an anti-doping rule violation charge, an *Athlete* or other *Person* may unilaterally admit the violation and accept a twenty-five percent (25%) reduction from the period of *Ineligibility* asserted in the notice of potential anti-doping rule violation. Where the asserted period of *Ineligibility* is more than four (4) years, the reduction shall be one (1) year.

Where the *Athlete* or other *Person* receives a reduction in the period of *Ineligibility* under this Article 10.8.1, no further reduction in the asserted period of *Ineligibility* shall be allowed under any other Article.<sup>72</sup> If the *Athlete* or other *Person* does not accept the reduction in the period of *Ineligibility* within the time period established in this Article, then this Article, including but not limited to, what the reduction under this Article would or should have been, may not be raised in any hearing or appeal.

#### 10.8.2 Case Resolution Agreement

Where the *Athlete* or other *Person* admits an anti-doping rule violation after being confronted with the anti-doping rule violation by an *Anti-Doping Organization* and agrees to *Consequences* acceptable to the *Anti-Doping Organization* and WADA, at their sole discretion, then: (a) the *Athlete* or other *Person* may receive a reduction in the period of *Ineligibility* based on an assessment by the *Anti-Doping Organization* and WADA of the application of Articles 10.1 through 10.7 to the asserted anti-doping rule violation, the seriousness of the violation, the *Athlete* or other *Person's*

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<sup>71</sup> [Comment to Article 10.7.3: This Article is intended to apply when an *Athlete* or other *Person* comes forward and admits to an anti-doping rule violation in circumstances where no *Anti-Doping Organization* is aware that an anti-doping rule violation might have been committed. It is not intended to apply to circumstances where the admission occurs after the *Athlete* or other *Person* believes he or she is about to be caught. The amount by which *Ineligibility* is reduced should be based on the likelihood that the *Athlete* or other *Person* would have been caught had he or she not come forward voluntarily.]

<sup>72</sup> [Comment to Article 10.8.1: For the avoidance of doubt, this Article does not preclude a suspension of the period of *Ineligibility* under Article 10.7.]



degree of *Fault* and how promptly the *Athlete* or other *Person* admitted the violation; and (b) the period of *Ineligibility* may start as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. In each case, however, where this Article is applied, the *Athlete* or other *Person* shall serve at least one-half of the agreed-upon period of *Ineligibility* going forward from the earlier of the date the *Athlete* or other *Person* accepted the imposition of a sanction or a *Provisional Suspension* which was subsequently respected by the *Athlete* or other *Person*. The decision by WADA and the *Anti-Doping Organization* to enter or not enter into a case resolution agreement, and the *Consequences* agreed to by WADA, the *Anti-Doping Organization* and the *Athlete* or other *Person*, including the starting date of the period of *Ineligibility*, are not matters for determination or review by a hearing body and are not subject to appeal under Article 13.

If so requested by an *Athlete* or other *Person* who seeks to enter into a case resolution agreement under this Article, the *Anti-Doping Organization* with *Results Management* responsibility shall allow the *Athlete* or other *Person* to discuss an admission of the anti-doping rule violation with the *Anti-Doping Organization* subject to a *Without Prejudice Agreement*.<sup>73</sup>

## 10.9 Multiple Violations

### 10.9.1 Second or Third Anti-Doping Rule Violation

10.9.1.1 For an *Athlete* or other *Person*'s second anti-doping rule violation, the period of *Ineligibility* shall be the greater of:

- a) A six-month period of *Ineligibility*; or
- b) A period of *Ineligibility* in the range between:
  - (i) the sum of the period of *Ineligibility* imposed for the first anti-doping rule violation plus the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation, and
  - (ii) twice the period of *Ineligibility* otherwise applicable to the second anti-doping rule violation treated as if it were a first violation.

The period of *Ineligibility* within this range shall be determined based on the entirety of the circumstances and the *Athlete* or other *Person*'s degree of *Fault* with respect to the second violation.

10.9.1.2 A third anti-doping rule violation will always result in a lifetime period of *Ineligibility*, except if the third violation fulfills the condition for elimination or reduction of the period of *Ineligibility* under Article 10.5 or 10.6, or

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<sup>73</sup> [Comment to Article 10.8.2: Any mitigating or Aggravating Factors set forth in this Article 10 shall be considered in arriving at the Consequences set forth in the case resolution agreement, and shall not be applicable beyond the terms of that agreement.]

In some countries, the imposition of a period of *Ineligibility* is left entirely to a hearing body. In those countries, the *Anti-Doping Organization* may not assert a specific period of *Ineligibility* for purposes of Article 10.8.1 nor have the power to agree to a specific period of *Ineligibility* under Article 10.8.2. In these circumstances, Articles 10.8.1 and 10.8.2 will not be applicable but may be considered by the hearing body. Provided, however, that any application of Article 10.8.2 must be subject to WADA's approval.]

involves a violation of Article 2.4. In these particular cases, the period of *Ineligibility* shall be from eight (8) years to lifetime *Ineligibility*.

- 10.9.1.3 The period of *Ineligibility* established in Articles 10.9.1.1 and 10.9.1.2 may then be further reduced by the application of Article 10.7.
- 10.9.2 An anti-doping rule violation for which an *Athlete* or other *Person* has established *No Fault* or *Negligence* shall not be considered a violation for purposes of Article 10.9. In addition, an anti-doping rule violation sanctioned under Article 10.2.4.1 shall not be considered a violation for purposes of Article 10.9.
- 10.9.3 Additional Rules for Certain Potential Multiple Violations
  - 10.9.3.1 For purposes of imposing sanctions under Article 10.9, except as provided in Articles 10.9.3.2 and 10.9.3.3, an anti-doping rule violation will only be considered a second violation if the *Anti-Doping Organization* can establish that the *Athlete* or other *Person* committed the additional anti-doping rule violation after the *Athlete* or other *Person* received notice pursuant to Article 7, or after the *Anti-Doping Organization* made reasonable efforts to give notice of the first anti-doping rule violation. If the *Anti-Doping Organization* cannot establish this, the violations shall be considered together as one single first violation, and the sanction imposed shall be based on the violation that carries the more severe sanction, including the application of *Aggravating Circumstances*. Results in all *Competitions* dating back to the earlier anti-doping rule violation will be *Disqualified* as provided in Article 10.10.<sup>74</sup>
  - 10.9.3.2 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed an additional anti-doping rule violation prior to notification, and that the additional violation occurred twelve (12) months or more before or after the first-noticed violation, then the period of *Ineligibility* for the additional violation shall be calculated as if the additional violation were a stand-alone first violation and this period of *Ineligibility* is served consecutively, rather than concurrently, with the period of *Ineligibility* imposed for the earlier-noticed violation. Where this Article 10.9.3.2 applies, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.
  - 10.9.3.3 If the *Anti-Doping Organization* establishes that an *Athlete* or other *Person* committed a violation of Article 2.5 in connection with the *Doping Control* process for an underlying asserted anti-doping rule violation, the violation of Article 2.5 shall be treated as a stand-alone first violation and the period of *Ineligibility* for such violation shall be served consecutively, rather than concurrently, with the period of *Ineligibility*, if any, imposed for the underlying anti-doping rule violation. Where this Article 10.9.3.3 is

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<sup>74</sup> [Comment to Article 10.9.3.1: The same rule applies where, after the imposition of a sanction, the *Anti-Doping Organization* discovers facts involving an anti-doping rule violation that occurred prior to notification for a first anti-doping rule violation—e.g., the *Anti-Doping Organization* shall impose a sanction based on the sanction that could have been imposed if the two violations had been adjudicated at the same time, including the application of *Aggravating Circumstances*.]

applied, the violations taken together shall constitute a single violation for purposes of Article 10.9.1.

10.9.3.4 If an *Anti-Doping Organization* establishes that an *Athlete* or other *Person* has committed a second or third anti-doping rule violation during a period of *Ineligibility*, the periods of *Ineligibility* for the multiple violations shall run consecutively, rather than concurrently.

#### 10.9.4 Multiple Anti-Doping Rule Violations during Ten-Year Period

For purposes of Article 10.9, each anti-doping rule violation must take place within the same ten-year period in order to be considered multiple violations.

#### 10.10 *Disqualification* of Results in *Competitions* Subsequent to *Sample* Collection or Commission of an Anti-Doping Rule Violation

In addition to the automatic *Disqualification* of the results in the *Competition* which produced the positive *Sample* under Article 9, all other competitive results of the *Athlete* obtained from the date a positive *Sample* was collected (whether *In-Competition* or *Out-of-Competition*), or other anti-doping rule violation occurred, through the commencement of any *Provisional Suspension* or *Ineligibility* period, shall, unless fairness requires otherwise, be *Disqualified* with all of the resulting *Consequences* including forfeiture of any medals, points and prizes.<sup>75</sup>

#### 10.11 Forfeited Prize Money

An *Anti-Doping Organization* or other *Signatory* that has recovered prize money forfeited as a result of an anti-doping rule violation shall take reasonable measures to allocate and distribute this prize money to the *Athletes* who would have been entitled to it had the forfeiting *Athlete* not competed. An International Federation may provide in its rules whether or not the redistributed prize money shall be considered for purposes of its ranking of *Athletes*.<sup>76</sup>

#### 10.12 *Financial Consequences*

*Anti-Doping Organizations* may, in their own rules, provide for proportionate recovery of costs or financial sanctions on account of anti-doping rule violations. However, *Anti-Doping Organizations* may only impose financial sanctions in cases where the maximum period of *Ineligibility* otherwise applicable has already been imposed. Financial sanctions may only be imposed where the principle of proportionality is satisfied. No recovery of costs or financial sanction may be considered a basis for reducing the *Ineligibility* or other sanction which would otherwise be applicable under the *Code*.

#### 10.13 Commencement of *Ineligibility* Period

Where an *Athlete* is already serving a period of *Ineligibility* for an anti-doping rule violation, any new period of *Ineligibility* shall commence on the first day after the current period of *Ineligibility* has been served. Otherwise, except as provided below, the period of *Ineligibility*

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<sup>75</sup> [Comment to Article 10.10: Nothing in the Code precludes clean Athletes or other Persons who have been damaged by the actions of a Person who has committed an anti-doping rule violation from pursuing any right which they would otherwise have to seek damages from such Person.]

<sup>76</sup> [Comment to Article 10.11: This Article is not intended to impose an affirmative duty on the Anti-Doping Organization or other Signatory to take any action to collect forfeited prize money. If the Anti-Doping Organization elects not to take any action to collect forfeited prize money, it may assign its right to recover such money to the Athlete(s) who should have otherwise received the money. "Reasonable measures to allocate and distribute this prize money" could include using collected forfeited prize money as agreed upon by an International Federation and its Athletes.]

shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived or there is no hearing, on the date *Ineligibility* is accepted or otherwise imposed.

#### 10.13.1 Delays Not Attributable to the *Athlete* or other *Person*

Where there have been substantial delays in the hearing process or other aspects of *Doping Control*, and the *Athlete* or other *Person* can establish that such delays are not attributable to the *Athlete* or other *Person*, the body imposing the sanction may start the period of *Ineligibility* at an earlier date commencing as early as the date of *Sample* collection or the date on which another anti-doping rule violation last occurred. All competitive results achieved during the period of *Ineligibility*, including retroactive *Ineligibility*, shall be *Disqualified*.<sup>77</sup>

#### 10.13.2 Credit for *Provisional Suspension* or Period of *Ineligibility* Served

10.13.2.1 If a *Provisional Suspension* is respected by the *Athlete* or other *Person*, then the *Athlete* or other *Person* shall receive a credit for such period of *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. If the *Athlete* or other *Person* does not respect a *Provisional Suspension*, then the *Athlete* or other *Person* shall receive no credit for any period of *Provisional Suspension* served. If a period of *Ineligibility* is served pursuant to a decision that is subsequently appealed, then the *Athlete* or other *Person* shall receive a credit for such period of *Ineligibility* served against any period of *Ineligibility* which may ultimately be imposed on appeal.

10.13.2.2 If an *Athlete* or other *Person* voluntarily accepts a *Provisional Suspension* in writing from an *Anti-Doping Organization* with *Results Management* authority and thereafter respects the *Provisional Suspension*, the *Athlete* or other *Person* shall receive a credit for such period of voluntary *Provisional Suspension* against any period of *Ineligibility* which may ultimately be imposed. A copy of the *Athlete* or other *Person's* voluntary acceptance of a *Provisional Suspension* shall be provided promptly to each party entitled to receive notice of an asserted anti-doping rule violation under Article 14.1.<sup>78</sup>

10.13.2.3 No credit against a period of *Ineligibility* shall be given for any time period before the effective date of the *Provisional Suspension* or voluntary *Provisional Suspension* regardless of whether the *Athlete* elected not to compete or was suspended by a team.

10.13.2.4 In *Team Sports*, where a period of *Ineligibility* is imposed upon a team, unless fairness requires otherwise, the period of *Ineligibility* shall start on the date of the final hearing decision providing for *Ineligibility* or, if the hearing is waived, on the date *Ineligibility* is accepted or otherwise

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<sup>77</sup> [Comment to Article 10.13.1: In cases of anti-doping rule violations other than under Article 2.1, the time required for an Anti-Doping Organization to discover and develop facts sufficient to establish an anti-doping rule violation may be lengthy, particularly where the Athlete or other Person has taken affirmative action to avoid detection. In these circumstances, the flexibility provided in this Article to start the sanction at an earlier date should not be used.]

<sup>78</sup> [Comment to Article 10.13.2.2: An Athlete's voluntary acceptance of a Provisional Suspension is not an admission by the Athlete and shall not be used in any way to draw an adverse inference against the Athlete.]

imposed. Any period of team *Provisional Suspension* (whether imposed or voluntarily accepted) shall be credited against the total period of *Ineligibility* to be served.

#### 10.14 Status during *Ineligibility* or *Provisional Suspension*

##### 10.14.1 Prohibition against Participation during *Ineligibility* or *Provisional Suspension*

No *Athlete* or other *Person* who has been declared *Ineligible* or is subject to a *Provisional Suspension* may, during a period of *Ineligibility* or *Provisional Suspension*:

- (i) compete or participate in any capacity in a *Competition* or activity (other than authorized anti-doping *Education* or rehabilitation programs) authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization;
- (ii) compete or participate in *Competitions* or training activities authorized or organized by any professional league (e.g., the National Hockey League, the National Basketball Association, etc.) or any international- or national-level *Event* organization;
- (iii) compete or participate in training activities funded by a governmental agency;
- (iv) provide any sport-related services, including without limitation serving as a coach or other *Athlete Support Personnel*, to any *Athlete* bound by rules adopted pursuant to the *Code* (and doing so could also result in a violation of Article 2.10 by such *Athlete(s)*);
- (v) except as allowed by Article 14.1.2, train in any facility owned or controlled by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization;
- (vi) serve as an employee, officer, director, official or volunteer of any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization; or
- (vii) receive compensation from any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization.<sup>79</sup>

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<sup>79</sup> [Comment to Article 10.14.1: The term "activity" includes all competitive, training, administrative and social functions authorized or organized by the referenced organizations. Therefore, by way of example, an *Ineligible Person* could not attend or participate in an organization's annual meeting, team party or sponsorship event.

On the other hand, by way of example, this Article does not prohibit an *Ineligible Person* from engaging in the following activities so long as the *Ineligible Person* is not acting as an *Athlete Support Personnel*, the activity is not funded by a government and is not authorized, organized or funded by any *Signatory*, *Signatory's* member organization, or a club or other member organization of a *Signatory's* member organization:

(1) an *Ineligible* basketball player could participate in a pick-up basketball game with former teammates;

(2) an *Ineligible* distance runner could go for a run with friends or other elite *Athletes*;



An *Athlete* subject to a period of *Ineligibility* longer than four (4) years may, after completing four (4) years of the period of *Ineligibility*, participate as an *Athlete* in local sport events not sanctioned or otherwise under the authority of a *Code Signatory* or member of a *Code Signatory*, but only so long as the local sport event is not at a level that could otherwise qualify such *Athlete* or other *Person* directly or indirectly to compete in (or accumulate points toward) a national championship or *International Event*, and does not involve the *Athlete* or other *Person* working in any capacity with *Protected Persons*.

An *Athlete* or other *Person* subject to a period of *Ineligibility* who has not retired shall remain subject to *Testing* and any requirement by an *Anti-Doping Organization* to provide whereabouts information.

#### 10.14.2 Return to Training

As an exception to Article 10.14.1, an *Athlete* may return to train with a team or to use the facilities of a club or other member organization of a *Signatory's* member organization during the shorter of: (1) the last two (2) months of the *Athlete's* period of *Ineligibility*, or (2) the last one-quarter of the period of *Ineligibility* imposed. These permitted training windows for *Protected Persons* shall be the last one-half of the period of *Ineligibility* imposed.<sup>80</sup>

#### 10.14.3 Violation of the Prohibition of Participation during Ineligibility or Provisional Suspension

Where an *Athlete* or other *Person* who has been declared *Ineligible* violates the prohibition against participation during *Ineligibility* described in Article 10.14.1, the results of such participation shall be *Disqualified* and a new period of *Ineligibility* equal in length to the original period of *Ineligibility* shall be added to the end of the original period of *Ineligibility*. The new period of *Ineligibility*, including a reprimand and no period of *Ineligibility*, may be adjusted based on the *Athlete* or other *Person's* degree of *Fault* and other circumstances of the case. The determination of whether an *Athlete* or other *Person* has violated the prohibition against participation, and whether an adjustment is appropriate, shall be made by the *Anti-Doping Organization* whose *Results Management* led to the imposition of the initial period of *Ineligibility*. This decision may be appealed under Article 13.

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(3) an *Ineligible swimmer* could swim in a separate lane in the same pool where a national team trains as long as the swimmer does so as a member of the general public subject to the same limitations and restrictions applicable to any other member of the general public;

(4) an *Ineligible figure skater* could receive coaching or athletic trainer services from *Athlete Support Personnel* who also work for a referenced organization as long as the services provided to the figure skater are not performed as part of the *Athlete Support Personnel's* job duties for the referenced organization; and

(5) an *Ineligible gymnast* could receive payments from an individual sponsor so long as the payments are not connected to or arranged by a referenced organization.

*Ineligibility* imposed in one sport shall also be recognized by other sports (see Article 15.1, Automatic Binding Effect of Decisions). Any performance standard accomplished during a period of *Ineligibility* shall not be recognized by a *Signatory* or its National Federations for any purpose.

Without prejudice to Article 5.6.2 and for the avoidance of doubt, the prohibition against participating in any capacity in the activities identified in this Article shall continue to apply to retired *Persons* through the duration of their period of *Ineligibility*.]

<sup>80</sup> [Comment to Article 10.14.2: In many Team Sports and some Individual Sports (e.g., ski jumping and gymnastics), *Athletes* cannot effectively train on their own so as to be ready to compete at the end of the *Athlete's* period of *Ineligibility*. During the training period described in this Article, an *Ineligible Athlete* may not compete or engage in any activity described in Article 10.14.1 other than training.]

An *Athlete* or other *Person* who violates the prohibition against participation during a *Provisional Suspension* described in Article 10.14.1 shall receive no credit for any period of *Provisional Suspension* served and the results of such participation shall be *Disqualified*.

Where an *Athlete Support Person* or other *Person* assists a *Person* in violating the prohibition against participation during *Ineligibility* or a *Provisional Suspension*, an *Anti-Doping Organization* with authority over such *Athlete Support Person* or other *Person* shall impose sanctions for a violation of Article 2.9 for such assistance.

#### 10.14.4 Withholding of Financial Support during *Ineligibility*

In addition, for any anti-doping rule violation not involving a reduced sanction as described in Article 10.5 or 10.6, some or all sport-related financial support or other sport-related benefits received by such *Person* will be withheld by *Signatories*, *Signatories'* member organizations and governments.

#### 10.15 Automatic Publication of Sanction

A mandatory part of each sanction shall include automatic publication, as provided in Article 14.3.

## Article 11 Consequences to Teams

### 11.1 *Testing of Team Sports*

Where more than one member of a team in a *Team Sport* has been notified of an anti-doping rule violation under Article 7 in connection with an *Event*, the ruling body for the *Event* shall conduct appropriate *Target Testing* of the team during the *Event Period*.

### 11.2 *Consequences for Team Sports*

If more than two members of a team in a *Team Sport* are found to have committed an anti-doping rule violation during an *Event Period*, the ruling body of the *Event* shall impose an appropriate sanction on the team (e.g., loss of points, *Disqualification* from a *Competition* or *Event*, or other sanction) in addition to any *Consequences* imposed upon the individual *Athletes* committing the anti-doping rule violation.<sup>81</sup>

### 11.3 *Event Ruling Body or International Federation may Establish Stricter Consequences for Team Sports*

The ruling body for an *Event* may elect to establish rules for the *Event* which impose *Consequences for Team Sports* stricter than those in Article 11.2 for purposes of the *Event*.<sup>82</sup> Similarly, an International Federation may elect to establish rules imposing stricter *Consequences for Team Sports* within its authority than those in Article 11.2.

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<sup>81</sup> [Comment to Article 11.2: See Comment to Article 9 regarding team competition in Individual Sports.]

<sup>82</sup> [Comment to Article 11.3: For example, the International Olympic Committee could establish rules which would require *Disqualification* of a team from the Olympic Games based on a lesser number of anti-doping rule violations during the period of the Games.]

## Article 12 Sanctions by *Signatories* Against Other Sporting Bodies

Each *Signatory* shall adopt rules that obligate each of its member organizations and any other sporting body over which it has authority to comply with, implement, uphold and enforce the *Code* within that organization's or body's area of competence. When a *Signatory* becomes aware that one of its member organizations or other sporting body over which it has authority has failed to fulfill such obligation, the *Signatory* shall take appropriate action against such organization or body.<sup>83</sup> In particular, a *Signatory's* action and rules shall include the possibility of excluding all, or some group of, members of that organization or body from specified future *Events* or all *Events* conducted within a specified period of time.<sup>84</sup>

## Article 13 Results Management: Appeals<sup>85</sup>

### 13.1 Decisions Subject to Appeal

Decisions made under the *Code* or under rules adopted pursuant to the *Code* may be appealed as set forth below in Articles 13.2 through 13.4 or as otherwise provided in the *Code* or *International Standards*. Such decisions shall remain in effect while under appeal unless the appellate body orders otherwise.

#### 13.1.1 Scope of Review Not Limited

The scope of review on appeal includes all issues relevant to the matter and is expressly not limited to the issues or scope of review before the initial decision maker. Any party to the appeal may submit evidence, legal arguments and claims that were not raised in the first instance hearing so long as they arise from the same cause of action or same general facts or circumstances raised or addressed in the first instance hearing.<sup>86</sup>

#### 13.1.2 CAS Shall Not Defer to the Findings Being Appealed

Subject to Article 13.2.5, in making its decision, CAS shall not give deference to the discretion exercised by the body whose decision is being appealed.<sup>87</sup>

All anti-doping proceedings before CAS involving WADA, an International Federation and/or a *Major Event Organization* as a party shall be conducted in French or English. Such proceedings may only be conducted in a language other than French or English if WADA, the International Federation and/or the *Major Event Organization* (all) agree with such request at their entire discretion.

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<sup>83</sup> [Comment to Article 12: This Article is not intended to impose an affirmative duty on the *Signatory* to actively monitor each of its member organizations for acts of non-compliance, but rather only requires the *Signatory* to take action when it becomes aware of such acts.]

<sup>84</sup> [Comment to Article 12: This Article makes it clear that the *Code* does not restrict whatever disciplinary rights between organizations may otherwise exist. For sanctions against *Signatories* for non-compliance with the *Code*, see Article 24.1.]

<sup>85</sup> [Comment to Article 13: The object of the *Code* is to have anti-doping matters resolved through fair and transparent internal processes with a final appeal. Anti-doping decisions by Anti-Doping Organizations are made transparent in Article 14. Specified Persons and organizations, including WADA, are then given the opportunity to appeal those decisions. Note that the definition of interested Persons and organizations with a right to appeal under Article 13 does not include Athletes, or their National Federations, who might benefit from having another competitor Disqualified.]

<sup>86</sup> [Comment to Article 13.1.1: The revised language is not intended to make a substantive change to the 2015 *Code*, but rather for clarification. For example, where an Athlete was charged in the first instance hearing only with Tampering but the same conduct could also constitute Complicity, an appealing party could pursue both Tampering and Complicity charges against the Athlete in the appeal.]

<sup>87</sup> [Comment to Article 13.1.2: CAS proceedings are de novo. Prior proceedings do not limit the evidence or carry weight in the hearing before CAS.]

### 13.1.3 WADA Not Required to Exhaust Internal Remedies<sup>88</sup>

Where WADA has a right to appeal under Article 13 and no other party has appealed a final decision within the *Anti-Doping Organization's* process, WADA may appeal such decision directly to CAS without having to exhaust other remedies in the *Anti-Doping Organization's* process.

## 13.2 Appeals from Decisions Regarding Anti-Doping Rule Violations, *Consequences*, *Provisional Suspensions*, Implementation of Decisions and Authority.

The following decisions may be appealed exclusively as provided in this Article 13.2:

- a decision that an anti-doping rule violation was committed;
- a decision imposing *Consequences* or not imposing *Consequences* for an anti-doping rule violation, or a decision that no anti-doping rule violation was committed;
- A decision that an anti-doping rule violation proceeding cannot go forward for procedural reasons (including, for example, prescription);
- a decision by WADA not to grant an exemption to the six-months notice requirement for a retired *Athlete* to return to competition under Article 5.6.1;
- a decision by WADA assigning *Results Management* under Article 7.1;
- a decision by an *Anti-Doping Organization* not to bring forward an *Adverse Analytical Finding* or an *Atypical Finding* as an anti-doping rule violation, an *Adverse Passport Finding* or an *Atypical Passport Finding* after review, or a decision not to go forward with an anti-doping rule violation after an investigation in accordance with the *International Standard for Results Management*;
- a decision to impose, not to impose, or lift, a *Provisional Suspension*;
- an *Anti-Doping Organization's* failure to comply with Article 7.4;
- a decision that an *Anti-Doping Organization* lacks authority to rule on an alleged anti-doping rule violation or its *Consequences*;
- a decision to suspend, or not suspend, *Consequences* or to reinstate, or not reinstate, *Consequences* under Articles 10.7.1 and 10.7.2;
- failure to comply with Articles 7.1.4 and 7.1.5;
- failure to comply with Article 10.8.1;
- a decision under Article 10.14.3;
- a decision by the *Results Management authority* that the requirements for recording a *Whereabouts Failure* are not met;
- a decision by an *Anti-Doping Organization* not to implement another *Anti-Doping Organization's* decision under Article 15; and

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<sup>88</sup> [Comment to Article 13.1.3: Where a decision has been rendered before the final stage of an *Anti-Doping Organization's* process (for example, a first hearing) and no party elects to appeal that decision to the next level of the *Anti-Doping Organization's* process (e.g., the *Managing Board*), then WADA may bypass the remaining steps in the *Anti-Doping Organization's* internal process and appeal directly to CAS.]

- a decision under Article 27.3.

#### 13.2.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases arising from participation in an *International Event* or in cases involving *International-Level Athletes*, the decision may be appealed exclusively to CAS.<sup>89</sup>

#### 13.2.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases where Article 13.2.1 is not applicable, the decision may be appealed to an appellate body in accordance with rules established by the *National Anti-Doping Organization*. The rules for such appeal shall respect the following principles:

- a timely hearing;
- a fair, impartial, and *Operationally Independent* and *Institutionally Independent* hearing panel;
- the right to be represented by counsel at the *Person's* own expense; and
- a timely, written, reasoned decision.

If no such body as described above is in place and available at the time of the appeal, the *Athlete* or other *Person* shall have a right to appeal to CAS<sup>90</sup>.

#### 13.2.3 *Persons* Entitled to Appeal

##### 13.2.3.1 Appeals Involving *International-Level Athletes* or *International Events*

In cases under Article 13.2.1, the following parties shall have the right to appeal to CAS: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games; and (f) WADA.

##### 13.2.3.2 Appeals Involving Other *Athletes* or Other *Persons*

In cases under Article 13.2.2, the parties having the right to appeal to the appellate body shall be as provided in the *National Anti-Doping Organization's* rules but, at a minimum, shall include the following parties: (a) the *Athlete* or other *Person* who is the subject of the decision being appealed; (b) the other party to the case in which the decision was rendered; (c) the relevant International Federation; (d) the *National Anti-*

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<sup>89</sup> [Comment to Article 13.2.1: CAS decisions are final and binding except for any review required by law applicable to the annulment or enforcement of arbitral awards.]

<sup>90</sup> [Comment to Article 13.2.2: For TUE appeals it is recommended that the appellate body include at least one physician with experience in the care and treatment of Athletes and a sound knowledge of clinical, sport and exercise medicine.]



*Doping Organization* of the *Person's* country of residence or countries where the *Person* is a national or license holder; (e) the International Olympic Committee or International Paralympic Committee, as applicable, where the decision may have an effect in relation to the Olympic Games or Paralympic Games, including decisions affecting eligibility for the Olympic Games or Paralympic Games, and (f) WADA. For cases under Article 13.2.2, WADA, the International Olympic Committee, the International Paralympic Committee, and the relevant International Federation shall also have the right to appeal to CAS with respect to the decision of the national-level appeal body. Any party filing an appeal shall be entitled to assistance from CAS to obtain all relevant information from the *Anti-Doping Organization* whose decision is being appealed and the information shall be provided if CAS so directs.

#### 13.2.3.3 Duty to Notify

All parties to any appeal must ensure that WADA and all other parties with a right to appeal have been given timely notice of the appeal.

#### 13.2.3.4 Appeal Deadline for Parties Other than WADA

The deadline to file an appeal for parties other than WADA shall be as provided in the rules of the *Anti-Doping Organization* conducting *Results Management*.

#### 13.2.3.5 Appeal Deadline for WADA

The filing deadline for an appeal filed by WADA shall be the later of:

- a) Twenty-one (21) days after the last day on which any other party having a right to appeal could have appealed; or
- b) Twenty-one (21) days after WADA's receipt of the complete file relating to the decision.<sup>91</sup>

#### 13.2.3.6 Appeal from Imposition of *Provisional Suspension*

Notwithstanding any other provision herein, the only *Person* who may appeal from the imposition of a *Provisional Suspension* is the *Athlete* or other *Person* upon whom the *Provisional Suspension* is imposed.

### 13.2.4 Cross Appeals and other Subsequent Appeals Allowed<sup>92</sup>

Cross appeals and other subsequent appeals by any respondent named in cases brought to CAS under the *Code* are specifically permitted. Any party with a right to appeal under this Article 13 must file a cross appeal or subsequent appeal at the latest with the party's answer.

<sup>91</sup> [Comments to Article 13.2.3: Whether governed by CAS rules or Article 13.2.3, a party's deadline to appeal does not begin running until receipt of the decision. For that reason, there can be no expiration of a party's right to appeal if the party has not received the decision.]

<sup>92</sup> [Comment to Article 13.2.4: This provision is necessary because since 2011, CAS rules no longer permit an Athlete the right to cross appeal when an Anti-Doping Organization appeals a decision after the Athlete's time for appeal has expired. This provision permits a full hearing for all parties.]

### 13.2.5 Appeals from Decisions Made by WADA

All appeals against decisions made by WADA shall be made exclusively to CAS.

Notwithstanding Article 13.1, the appellate standard of review for decisions made by WADA, or made with WADA's approval under Articles 5.6.1, 10.7 and 14.1.2 shall be whether the decision was arbitrary.

### 13.3 Failure to Render a Timely Decision by an *Anti-Doping Organization*<sup>93</sup>

Where, in a particular case, an *Anti-Doping Organization* fails to render an appealable decision under its authority with respect to whether an anti-doping rule violation was committed within a reasonable deadline set by WADA, WADA may elect to appeal directly to CAS (subject to the CAS Appeal Division Rules by analogy) as if the *Anti-Doping Organization* had rendered a decision finding no anti-doping rule violation. If the CAS hearing panel determines that WADA acted reasonably in electing to appeal directly to CAS, then WADA's costs and attorney fees in prosecuting the appeal shall be reimbursed to WADA by the *Anti-Doping Organization*.

### 13.4 Appeals Relating to TUEs

TUE decisions may be appealed exclusively as provided in Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.

### 13.5 Notification of Appeal Decisions

Any *Anti-Doping Organization* that is a party to an appeal shall promptly provide the appeal decision to the *Athlete* or other *Person* and to the other *Anti-Doping Organizations* that would have been entitled to appeal under Article 13.2.3 as provided under Article 14.

### 13.6 Appeals from Decisions under Article 24.1

A notice that is not disputed and so becomes a final decision under Article 24.1, finding a *Signatory* non-compliant with the *Code* and imposing consequences for such non-compliance, as well as conditions for *Reinstatement* of the *Signatory*, may be appealed to CAS as provided in the *International Standard for Code Compliance by Signatories*.

### 13.7 Appeals from Decisions Suspending or Revoking Laboratory Accreditation

Decisions by WADA to suspend or revoke a laboratory's WADA accreditation may be appealed only by that laboratory with the appeal being exclusively to CAS.

## Article 14 Confidentiality and Reporting

The principles of coordination of anti-doping results, public transparency and accountability and respect for the privacy of all *Athletes* or other *Persons* are as follows:

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<sup>93</sup> [Comment to Article 13.3: Given the different circumstances of each anti-doping rule violation investigation and Results Management process, it is not feasible to establish a fixed time period for an *Anti-Doping Organization* to render a decision before WADA may intervene by appealing directly to CAS. Before taking such action, however, WADA will consult with the *Anti-Doping Organization* and give the *Anti-Doping Organization* an opportunity to explain why it has not yet rendered a decision. Nothing in this Article prohibits an *International Federation* from also having rules which authorize it to assume authority for matters in which the Results Management performed by one of its *National Federations* has been inappropriately delayed.]

## 14.1 Information Concerning *Adverse Analytical Findings, Atypical Findings*, and other Asserted Anti-Doping Rule Violations

### 14.1.1 Notice of Anti-Doping Rule Violations to *Athletes* and other *Persons*

The form and manner of notice of an asserted anti-doping rule violation shall be as provided in the rules of the *Anti-Doping Organization with Results Management* responsibility.

### 14.1.2 Notice of Anti-Doping Rule Violations to *National Anti-Doping Organizations*, International Federations and WADA

The *Anti-Doping Organization with Results Management* responsibility shall also notify the *Athlete's National Anti-Doping Organization*, International Federation and WADA of the assertion of an anti-doping rule violation simultaneously with the notice to the *Athlete* or other *Person*; provided, however, the *Anti-Doping Organization with Results Management* responsibility may, upon WADA's written approval which it may grant or deny at its discretion, delay or withhold the notice required by this Article 14.1.2.<sup>94</sup>

### 14.1.3 Content of an Anti-Doping Rule Violation Notice

Notification shall include: the *Athlete's* or other *Person's* name, country, sport and discipline within the sport, the *Athlete's* competitive level, whether the test was *In-Competition* or *Out-of-Competition*, the date of *Sample* collection, the analytical result reported by the laboratory and other information as required by the *International Standard for Results Management*, or, for anti-doping rule violations other than Article 2.1, the rule violated and the basis of the asserted violation.

### 14.1.4 Status Reports

Except with respect to investigations which have not resulted in a notice of an anti-doping rule violation pursuant to Article 14.1.1, the *Anti-Doping Organizations* referenced in Article 14.1.2 shall be regularly updated on the status and findings of any review or proceedings conducted pursuant to Article 7, 8 or 13 and shall be provided with a prompt written reasoned explanation or decision explaining the resolution of the matter.

### 14.1.5 Confidentiality

The recipient organizations shall not disclose this information beyond those *Persons* with a need to know (which would include the appropriate personnel at the applicable *National Olympic Committee*, National Federation, and team in a *Team Sport*) until the *Anti-Doping Organization with Results Management* responsibility has made *Public Disclosure* as permitted by Article 14.3.<sup>95</sup>

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<sup>94</sup> [Comment to Article 14.1.2: By way of example, WADA could decide to approve an *Anti-Doping Organization's* request to delay notice where a highly confidential investigation is ongoing which might implicate a party who would otherwise receive notice of the asserted anti-doping rule violation.]

<sup>95</sup> [Comment to Article 14.1.5: Each *Anti-Doping Organization* shall provide, in its own anti-doping rules, procedures for the protection of confidential information and for investigating and disciplining improper disclosure of confidential information by any employee or agent of the *Anti-Doping Organization*.]

## 14.2 Notice of Anti-Doping Rule Violation or Violations of *Ineligibility* or *Provisional Suspension* Decisions and Request for Files

14.2.1 Anti-doping rule violation decisions or decisions related to violations of *Ineligibility* or *Provisional Suspension* rendered pursuant to Article 7.6, 8.4, 10.5, 10.6, 10.7, 10.14.3 or 13.5 shall include the full reasons for the decision, including, if applicable, a justification for why the maximum potential sanction was not imposed. Where the decision is not in English or French, the *Anti-Doping Organization* shall provide an English or French summary of the decision and the supporting reasons.

14.2.2 An *Anti-Doping Organization* having a right to appeal a decision received pursuant to Article 14.2.1 may, within fifteen (15) days of receipt, request a copy of the full case file pertaining to the decision. The case file shall be produced in machine readable French or English and, to the greatest extent practicable, in electronic, digital, and word-searchable format.

For purposes of Article 13.2.3.5(b), the complete file shall not be considered to have been received by WADA until the complete file has been produced in accordance with Article 14.2.2.

## 14.3 *Public Disclosure*

14.3.1 After notice has been provided to the *Athlete* or other *Person* in accordance with the *International Standard for Results Management*, and to the applicable *Anti-Doping Organizations* in accordance with Article 14.1.2, the identity of any *Athlete* or other *Person* who is notified of a potential anti-doping rule violation, the *Prohibited Substance* or *Prohibited Method* and nature of the violation involved, and whether the *Athlete* or other *Person* is subject to a *Provisional Suspension* may be *Publicly Disclosed* by the *Anti-Doping Organization* with *Results Management* responsibility.

14.3.2 No later than twenty (20) days after a decision or determination has become final under the applicable rules and is not subject to further appeal provided for under the *Code*, the *Anti-Doping Organization* responsible for *Results Management* must *Publicly Disclose* the disposition of the anti-doping matter including the sport, the anti-doping rule violated, the name of the *Athlete* or other *Person* committing the violation, the *Prohibited Substance* or *Prohibited Method* involved (if any) and the *Consequences* imposed.<sup>96</sup>

14.3.3 After an anti-doping rule violation has been determined to have been committed in an appellate decision under Article 13.2.1 or 13.2.2 or such appeal has been waived, or in a hearing in accordance with Article 8 or where such hearing has been waived, or the assertion of an anti-doping rule violation has not otherwise been timely challenged, or the matter has been resolved under Article 10.8, the *Anti-Doping Organization* responsible for *Results Management* may make public such determination or decision and may comment publicly on the matter.

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<sup>96</sup> [Comment to Article 14.3.2: Where *Public Disclosure* as required by Article 14.3.2 would result in a breach of other applicable laws, the *Anti-Doping Organization's* failure to make the *Public Disclosure* will not result in a determination of non-compliance with *Code* as set forth in Article 4.2 of the *International Standard for Data Protection*.]

- 14.3.4 In any case where it is determined, after a hearing or appeal, that the *Athlete* or other *Person* did not commit an anti-doping rule violation or has established that they bear *No Fault* or *Negligence*, the decision itself and the underlying facts may not be *Publicly Disclosed* except with the consent of the *Athlete* or other *Person* who is the subject of the decision. The *Anti-Doping Organization with Results Management* responsibility shall use reasonable efforts to obtain such consent, and if consent is obtained, shall *Publicly Disclose* the decision in its entirety or in such redacted form as the *Athlete* or other *Person* may approve. As an exception, if the identity of the *Athlete* or the other *Person* is already public or *Consequences* have already been imposed, then the *Anti-Doping Organization with Results Management* authority may, without consent, *Publicly Disclose* the matter to the extent necessary to explain its outcome of the case.
- 14.3.5 Publication shall be accomplished at a minimum by placing the required information on the *Anti-Doping Organization's* website and leaving the information up for the longer of one (1) month or the duration of any period of *Ineligibility*.
- 14.3.6 Except as provided in Articles 14.3.1 and 14.3.3, no *Anti-Doping Organization* or WADA-accredited laboratory, or official of either, shall publicly comment on the specific facts of any pending case (as opposed to general description of process and science) except in response to public comments attributed to, or based on information provided by the *Athlete*, other *Person* or their entourage or other representatives.
- 14.3.7 The mandatory *Public Disclosure* required in Article 14.3.2 shall not be required where the *Athlete* or other *Person* who has been found to have committed an anti-doping rule violation is a *Minor, Protected Person* or *Recreational Athlete*. Any optional *Public Disclosure* in a case involving a *Minor, Protected Person* or *Recreational Athlete* shall be proportionate to the facts and circumstances of the case.

#### 14.4 Statistical Reporting

*Anti-Doping Organizations* shall, at least annually, publish publicly a general statistical report of their *Doping Control* activities, with a copy provided to WADA. *Anti-Doping Organizations* may also publish reports showing the name of each *Athlete* tested and the date of each *Testing*. WADA shall, at least annually, publish statistical reports summarizing the information that it receives from *Anti-Doping Organizations* and laboratories.

#### 14.5 *Doping Control* Information Database and Monitoring of Compliance

To enable WADA to perform its compliance monitoring role and to ensure the effective use of resources and sharing of applicable *Doping Control* information among *Anti-Doping Organizations*, WADA shall develop and manage a *Doping Control* information database, such as ADAMS, and *Anti-Doping Organizations* shall report to WADA through such database *Doping Control*-related information, including, in particular,

- a) *Athlete Biological Passport* data for *International-Level Athletes* and *National-Level Athletes*,
- b) Whereabouts information for *Athletes* in *Registered Testing Pools* and *Testing Pools*,



- c) *TUE* decisions, and
- d) *Results Management* decisions,

as required under the applicable *International Standard(s)*.

- 14.5.1 To facilitate coordinated test distribution planning, avoid unnecessary duplication in *Testing* by various *Anti-Doping Organizations*, and to ensure that *Athlete Biological Passport* profiles are updated, each *Anti-Doping Organization* shall report all *In-Competition* and *Out-of-Competition* tests to *WADA* by entering the *Doping Control* forms into *ADAMS* in accordance with the requirements and timelines contained in the *International Standard for Testing*.
- 14.5.2 To facilitate *WADA's* oversight and appeal rights for *TUEs*, each *Anti-Doping Organization* shall report all *TUE* applications, decisions and supporting documentation using *ADAMS* in accordance with the requirements and timelines contained in the *International Standard for Therapeutic Use Exemptions*.
- 14.5.3 To facilitate *WADA's* oversight and appeal rights for *Results Management*, *Anti-Doping Organizations* shall report the following information into *ADAMS* in accordance with the requirements and timelines outlined in the *International Standard for Results Management*: (a) notifications of anti-doping rule violations and related decisions for *Adverse Analytical Findings*; (b) notifications and related decisions for other anti-doping rule violations that are not *Adverse Analytical Findings*; (c) whereabouts failures; and (d) any decision imposing, lifting or reinstating a *Provisional Suspension*.
- 14.5.4 The information described in this Article will be made accessible, where appropriate and in accordance with the applicable rules, to the *Athlete*, the *Athlete's National Anti-Doping Organization* and *International Federation*, and any other *Anti-Doping Organizations* with *Testing* authority over the *Athlete*.<sup>97</sup>

#### 14.6 Data Privacy<sup>98</sup>

*Anti-Doping Organizations* may collect, store, process or disclose personal information relating to *Athletes* and other *Persons* where necessary and appropriate to conduct their *Anti-Doping Activities* under the *Code* and *International Standards* (including specifically the *International Standard for Data Protection*), and in compliance with applicable law.

## Article 15 Implementation of Decisions

### 15.1 Automatic Binding Effect of Decisions by *Signatory Anti-Doping Organizations*

- 15.1.1 A decision of an anti-doping rule violation made by a *Signatory Anti-Doping Organization*, an appellate body (Article 13.2.2) or *CAS* shall, after the parties to the

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<sup>97</sup> [Comment to Article 14.5: *ADAMS* is operated, administered and managed by *WADA*, and is designed to be consistent with data privacy laws and norms applicable to *WADA* and other organizations using such system. Personal information regarding *Athletes* or other *Persons* maintained in *ADAMS* is and will be treated in strict confidence and in accordance with the *International Standard for Data Protection*.]

<sup>98</sup> [Comment to Article 14.6: Each government should put in place legislation, regulation, policies or administrative practices for: cooperation and sharing of information with *Anti-Doping Organizations*; sharing of data among *Anti-Doping Organizations* as provided in the *Code* (...)]

proceeding are notified, automatically be binding beyond the parties to the proceeding upon every *Signatory* in every sport with the effects described below:

- 15.1.1.1 A decision by any of the above-described bodies imposing a *Provisional Suspension* (after a *Provisional Hearing* has occurred or the *Athlete* or other *Person* has either accepted the *Provisional Suspension* or has waived the right to a *Provisional Hearing*, expedited hearing or expedited appeal offered in accordance with Article 7.4.3) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* during the *Provisional Suspension*.
- 15.1.1.2 A decision by any of the above-described bodies imposing a period of *Ineligibility* (after a hearing has occurred or been waived) automatically prohibits the *Athlete* or other *Person* from participation (as described in Article 10.14.1) in all sports within the authority of any *Signatory* for the period of *Ineligibility*.
- 15.1.1.3 A decision by any of the above-described bodies accepting an anti-doping rule violation automatically binds all *Signatories*.
- 15.1.1.4 A decision by any of the above-described bodies to *Disqualify* results under Article 10.10 for a specified period automatically *Disqualifies* all results obtained within the authority of any *Signatory* during the specified period.
- 15.1.2 Each *Signatory* is under the obligation to recognize and implement a decision and its effects as required by Article 15.1.1, without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed into *ADAMS*.
- 15.1.3 A decision by an *Anti-Doping Organization*, an appellate body or *CAS* to suspend, or lift, *Consequences* shall be binding upon each *Signatory* without any further action required, on the earlier of the date the *Signatory* receives actual notice of the decision or the date the decision is placed into *ADAMS*.
- 15.1.4 Notwithstanding any provision in Article 15.1.1, however, a decision of an anti-doping rule violation by a *Major Event Organization* made in an expedited process during an *Event* shall not be binding on other *Signatories* unless the rules of the *Major Event Organization* provide the *Athlete* or other *Person* with an opportunity to an appeal under non-expedited procedures.<sup>99</sup>

## 15.2 Implementation of Other Decisions by *Anti-Doping Organizations*

*Signatories* may decide to implement other anti-doping decisions rendered by *Anti-Doping Organizations* not described in Article 15.1.1 above, such as a *Provisional Suspension* prior

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<sup>99</sup> [Comment to Article 15.1.4: By way of example, where the rules of the *Major Event Organization* give the *Athlete* or other *Person* the option of choosing an expedited *CAS* appeal or a *CAS* appeal under normal *CAS* procedure, the final decision or adjudication by the *Major Event Organization* is binding on other *Signatories* regardless of whether the *Athlete* or other *Person* chooses the expedited appeal option.]

to a *Provisional Hearing* or acceptance by the *Athlete* or other *Person*.<sup>100</sup>

Where a *Provisional Suspension* imposed by a *Major Event Organization* does not extend beyond the completion of the *Event* or is not binding on other *Signatories* under Article 15.1.4, the *Anti-Doping Organization with Results Management* authority shall promptly make its own determination on whether a *Provisional Suspension* should be imposed.

### 15.3 Implementation of Decisions by Body that is not a *Signatory*

An anti-doping decision by a body that is not a *Signatory* to the *Code* shall be implemented by each *Signatory* if the *Signatory* finds that the decision purports to be within the authority of that body and the anti-doping rules of that body are otherwise consistent with the *Code*.<sup>101</sup>

## Article 16 *Doping Control* for Animals Competing in Sport

16.1 In any sport that includes animals in *Competition*, the International Federation for that sport shall establish and implement anti-doping rules for the animals included in that sport. The anti-doping rules shall include a list of *Prohibited Substances*, appropriate *Testing* procedures and a list of approved laboratories for *Sample* analysis.

16.2 With respect to determining anti-doping rule violations, *Results Management*, fair hearings, *Consequences*, and appeals for animals involved in sport, the International Federation for that sport shall establish and implement rules that are generally consistent with Articles 1, 2, 3, 9, 10, 11, 13 and 17 of the *Code*.

## Article 17 Statute of Limitations

No anti-doping rule violation proceeding may be commenced against an *Athlete* or other *Person* unless he or she has been notified of the anti-doping rule violation as provided in Article 7, or notification has been reasonably attempted, within ten (10) years from the date the violation is asserted to have occurred.

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<sup>100</sup> [Comment to Articles 15.1 and 15.2: *Anti-Doping Organization* decisions under Article 15.1 are implemented automatically by other *Signatories* without the requirement of any decision or further action on the *Signatories'* part. For example, when a *National Anti-Doping Organization* decides to *Provisionally Suspend* an *Athlete*, that decision is given automatic effect at the *International Federation* level. To be clear, the "decision" is the one made by the *National Anti-Doping Organization*, there is not a separate decision to be made by the *International Federation*. Thus, any claim by the *Athlete* that the *Provisional Suspension* was improperly imposed can only be asserted against the *National Anti-Doping Organization*. Implementation of *Anti-Doping Organizations'* decisions under Article 15.2 is subject to each *Signatory's* discretion. A *Signatory's* implementation of a decision under Article 15.1 or Article 15.2 is not appealable separately from any appeal of the underlying decision. The extent of recognition of *TUE* decisions of other *Anti-Doping Organizations* shall be determined by Article 4.4 and the *International Standard for Therapeutic Use Exemptions*.]

<sup>101</sup> [Comment to Article 15.3: Where the decision of a body that has not accepted the *Code* is in some respects *Code* compliant and in other respects not *Code* compliant, *Signatories* should attempt to apply the decision in harmony with the principles of the *Code*. For example, if in a process consistent with the *Code* a non-*Signatory* has found an *Athlete* to have committed an anti-doping rule violation on account of the presence of a *Prohibited Substance* in the *Athlete's* body but the period of *Ineligibility* applied is shorter than the period provided for in the *Code*, then all *Signatories* should recognize the finding of an anti-doping rule violation and the *Athlete's* *National Anti-Doping Organization* should conduct a hearing consistent with Article 8 to determine whether the longer period of *Ineligibility* provided in the *Code* should be imposed. A *Signatory's* implementation of a decision or its decision not to implement a decision under Article 15.3, is appealable under Article 13.]

PART TWO  
*EDUCATION*  
AND RESEARCH

## Article 18 Education

### 18.1 Principles

*Education* programs are central to ensure harmonized, coordinated and effective anti-doping programs at the international and national level. They are intended to preserve the spirit of sport and the protection of *Athletes'* health and right to compete on a doping free level playing field as described in the Introduction to the *Code*.

*Education* programs shall raise awareness, provide accurate information and develop decision-making capability to prevent intentional and unintentional anti-doping rule violations and other breaches of the *Code*. *Education* programs and their implementation shall instill personal values and principles that protect the spirit of sport.

All *Signatories* shall, within their scope of responsibility and in cooperation with each other, plan, implement, monitor, evaluate and promote *Education* programs in line with the requirements set out in the *International Standard for Education*.

### 18.2 Education Program and Plan by *Signatories*

*Education* programs as outlined in the *International Standard for Education* shall promote the spirit of sport and have a positive and long-term influence on the choices made by *Athletes* and other *Persons*.

*Signatories* shall develop an *Education* plan as required in the *International Standard for Education*. Prioritization of target groups or activities shall be justified based on a clear rationale of the *Education* Plan.<sup>102</sup>

*Signatories* shall make their *Education* plans available to other *Signatories* upon request in order to avoid duplication of efforts where possible and to support the recognition process outlined in the *International Standard for Education*.

An *Anti-Doping Organization's* *Education* program shall include the following awareness, information, values-based and *Education* components which shall at a minimum be available on a website.<sup>103</sup>

- Principles and values associated with clean sport.
- *Athletes'*, *Athlete Support Personnel's* and other groups' rights and responsibilities under the *Code*.
- The principle of *Strict Liability*.
- Consequences of doping, for example, physical and mental health, social and economic effects, and sanctions.
- Anti-doping rule violations.

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<sup>102</sup>[Comment to Article 18.2: The Risk Assessment that Anti-Doping Organizations are required to conduct under the International Standard for Testing provides a framework relating to the risk of doping within sports. Such assessment can be used to identify priority target groups for Education programs. WADA also provides Education resources for Signatories to use to support their program delivery.]

<sup>103</sup> [Comment to Article 18.2: Where, for example, a particular National Anti-Doping Organization does not have its own website, the required information may be posted on the website of the country's National Olympic Committee or other organization responsible for sport in the country.]



- Substances and Methods on the *Prohibited List*.
- Risks of supplement *Use*.
- *Use* of medications and *Therapeutic Use Exemptions*.
- *Testing* procedures, including urine, blood and the *Athlete Biological Passport*.
- Requirements of the *Registered Testing Pool*, including whereabouts and the use of *ADAMS*.
- Speaking up to share concerns about doping.

#### 18.2.1 *Education* Pool and Target Groups Established by *Signatories*

*Signatories* shall identify their target groups and form an *Education* pool in line with the minimum requirements outlined in the *International Standard for Education*.<sup>104</sup>

#### 18.2.2 *Education* Program Implementation by *Signatories*

Any *Education* activity directed at the *Education* pool shall be delivered by a trained and authorized *Person* according to the requirements set out in the *International Standard for Education*.<sup>105</sup>

#### 18.2.3 Coordination and Cooperation

WADA shall work with relevant stakeholders to support the implementation of the *International Standard for Education* and act as a central repository for information and *Education* resources and/or programs developed by WADA or *Signatories*. *Signatories* shall cooperate with each other and governments to coordinate their efforts.

On a national level, *Education* programs shall be coordinated by the *National Anti-Doping Organization*, working in collaboration with their respective national sports federations, *National Olympic Committee*, *National Paralympic Committee*, governments and *Educational* institutions. This coordination shall maximize the reach of *Education* programs across sports, *Athletes* and *Athlete Support Personnel* and minimize duplication of effort.

*Education* programs aimed at *International-Level Athletes* shall be the priority for International Federations. *Event-based Education* shall be a mandatory element of any anti-doping program associated with an *International Event*.

All *Signatories* shall cooperate with each other and governments to encourage relevant sports organizations, *Educational* institutions, and professional associations to develop and implement appropriate Codes of Conduct that reflect good practice and ethics related to sport practice regarding anti-doping. Disciplinary

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<sup>104</sup> [Comment to Article 18.2.1: The *Education* pool should not be limited to National- or International-Level Athletes and should include all Persons, including youth, who participate in sport under the authority of any Signatory, government or other sports organization accepting the Code.]

<sup>105</sup> [Comment to Article 18.2.2: The purpose of this provision is to introduce the concept of an Educator. Education shall only be delivered by a trained and competent Person, similar to Testing whereby only trained and appointed Doping Control officers can conduct tests. In both cases, the requirement for trained personnel is to safeguard the Athlete and maintain consistent standards of delivery. Further details on instituting a simple accreditation program for Educators are outlined in the WADA Model Guidelines for Education, including best practice examples of interventions that can be implemented.]

policies and procedures shall be clearly articulated and communicated, including sanctions which are consistent with the *Code*. Such Codes of Conduct shall make provision for appropriate disciplinary action to be taken by sports bodies to either support the implementation of any doping sanctions, or for an organization to take its own disciplinary action should insufficient evidence prevent an anti-doping rule violation being brought forward.

## Article 19 Research

### 19.1 Purpose and Aims of Anti-Doping Research

Anti-doping research contributes to the development and implementation of efficient programs within *Doping Control* and to information and *Education* regarding doping-free sport.

All *Signatories and WADA* shall, in cooperation with each other and governments, encourage and promote such research and take all reasonable measures to ensure that the results of such research are used for the promotion of the goals that are consistent with the principles of the *Code*.

### 19.2 Types of Research

Research is a method-driven search for generalizable knowledge. Relevant anti-doping research may include, for example, sociological, behavioral, juridical and ethical studies in addition to scientific, medical, analytical, statistical, technological and physiological investigation. Without limiting the foregoing, studies on devising and evaluating the efficacy of scientifically-based physiological and psychological training programs that are consistent with the principles of the *Code* and respectful of the integrity of the human subjects, as well as studies on the *Use* of emerging substances or methods resulting from scientific developments should be conducted.

### 19.3 Coordination of Research and Sharing of Results

Coordination of anti-doping research through *WADA* is essential. Subject to any limitations arising from intellectual property rights, the results of such anti-doping research shall be provided to *WADA* and, where appropriate, shared with relevant *Signatories and Athletes* and other stakeholders.

### 19.4 Research Practices

Anti-doping research and *Quality Assurance* shall comply with internationally recognized ethical practices and any applicable national ethics standards and legal requirements as they relate to the involvement of human subjects or use of Analytical Data or other personal information in research/*Quality Assurance*.

### 19.5 Research Using *Prohibited Substances and Prohibited Methods*

Research efforts should avoid the *Administration of Prohibited Substances or Prohibited Methods to Athletes*.

## 19.6 Misuse of Results

Adequate precautions should be taken so that the results of anti-doping research are not misused and applied for doping purposes.

Analytical Data or other personal information processed for anti-doping research or *Quality Assurance* purposes shall not be used for the purpose of establishing whether an anti-doping rule violation by the *Person* who provided the *Sample* has occurred, or made available in a form that identifies that *Person*.

# PART THREE

# ROLES AND

# RESPONSIBILITIES

All *Signatories and WADA* shall act in a spirit of partnership and collaboration in order to ensure the success of the fight against doping in sport and the respect of the *Code*.<sup>106</sup>

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<sup>106</sup> [Comment: Responsibilities for Signatories and Athletes or other Persons are addressed in various Articles in the Code and the responsibilities listed in this part are additional to these responsibilities.]

## Article 20 Additional Roles and Responsibilities of *Signatories* and WADA

Each *Anti-Doping Organization* may delegate aspects of *Doping Control* or anti-doping *Education* for which it is responsible but remains fully responsible for ensuring that any aspect it delegates is performed in compliance with the *Code*. To the extent such delegation is made to a *Delegated Third Party* that is not a *Signatory*, the agreement with the *Delegated Third Party* shall require its compliance with the *Code* and *International Standards*.<sup>107</sup>

### 20.1 Roles and Responsibilities of the International Olympic Committee

- 20.1.1 To adopt and implement anti-doping policies and rules for the Olympic Games which conform with the *Code* and the *International Standards*.
- 20.1.2 To require, as a condition of recognition by the International Olympic Committee, that International Federations and *National Olympic Committees* within the Olympic Movement are in compliance with the *Code* and the *International Standards*.
- 20.1.3 To withhold some or all Olympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 24.1.
- 20.1.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.1.5 To authorize and facilitate the *Independent Observer Program*.
- 20.1.6 To require all *Athletes* preparing for or participating in the Olympic Games, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.1.7 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.1.8 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have

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<sup>107</sup> [Comment to Article 20: Obviously, an *Anti-Doping Organization* is not responsible for a failure to comply with the *Code* by its non-*Signatory Delegated Third Parties* if the *Delegated Third Party's* failure is committed in connection with services provided to a different *Anti-Doping Organization*. For example, if FINA and FIBA both delegate aspects of *Doping Control* to the same non-*Signatory Delegated Third Party*, and the provider fails to comply with the *Code* in performing the services for FINA, only FINA and not FIBA would be responsible for the failure. However, *Anti-Doping Organizations* shall contractually require *Delegated Third Parties* to whom they have delegated anti-doping responsibilities to report to the *Anti-Doping Organization* any finding of non-compliance by the *Delegated Third Parties*.]



constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

- 20.1.9 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.1.10 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.1.11 To accept bids for the Olympic Games only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under Article 24.1.9) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.
- 20.1.12 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with it.
- 20.1.13 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.1.14 To adopt a policy or rule implementing Article 2.11.
- 20.1.15 To render timely decisions in its *Results Management* process.<sup>108</sup>

## 20.2 Roles and Responsibilities of the International Paralympic Committee

- 20.2.1 To adopt and implement anti-doping policies and rules for the Paralympic Games which conform with the *Code* and the *International Standards*.
- 20.2.2 To require, as a condition of membership of the International Paralympic Committee, that International Federations and National Paralympic Committees within the Paralympic Movement are in compliance with the *Code* and the *International Standards*.
- 20.2.3 To withhold some or all Paralympic funding and/or other benefits from sport organizations that are not in compliance with the *Code* and/or the *International Standards*, where required under Article 24.1.
- 20.2.4 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.2.5 To authorize and facilitate the *Independent Observer Program*.
- 20.2.6 To require all *Athletes* preparing for or participating in the Paralympic Games, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be

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<sup>108</sup> [Comment to Article 20.1.15: See Article 13.3]

bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.

- 20.2.7 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.2.8 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.2.9 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.2.10 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.2.11 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with it.
- 20.2.12 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.2.13 To render timely decisions in its *Results Management* process.<sup>109</sup>

### 20.3 Roles and Responsibilities of International Federations

- 20.3.1 To adopt and implement anti-doping policies and rules which conform with the *Code* and *International Standards*.
- 20.3.2 To require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the *Code* and the *International Standards*, and to take appropriate action to enforce such compliance; areas of compliance shall include but not be limited to: (i) requiring that their National Federations conduct *Testing* only under the documented authority of their International Federation and use their *National Anti-Doping Organization* or other *Sample* collection authority to collect *Samples* in compliance with the *International Standard for Testing*; (ii) requiring that their National Federations recognize the authority of the *National Anti-Doping Organization* in their country in accordance with Article 5.2.1 and assist as appropriate with the *National Anti-Doping Organization's* implementation of the national *Testing* program for their sport; (iii)

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<sup>109</sup> [Comment to Article 20.2.13: See Article 13.3]

requiring that their National Federations analyze all *Samples* collected using a WADA-accredited or WADA-approved laboratory in accordance with Article 6.1; and (iv) requiring that any national level anti-doping rule violation cases discovered by their National Federations are adjudicated by an *Operationally Independent* hearing panel in accordance with Article 8.1 and the *International Standard for Results Management*.

- 20.3.3 To require all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by the International Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.3.4 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.3.5 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.3.6 To require *Athletes* who are not regular members of the International Federation or one of its member National Federations to be available for *Sample* collection and to provide accurate and up-to-date whereabouts information as part of the International Federation's *Registered Testing Pool* consistent with the conditions for eligibility established by the International Federation or, as applicable, the *Major Event Organization*.<sup>110</sup>
- 20.3.7 To require each of their National Federations to establish rules requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to be bound by anti-doping rules and the *Results Management* authority of *Anti-Doping Organization* in conformity with the *Code* as a condition of such participation.
- 20.3.8 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 20.3.9 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the

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<sup>110</sup> [Comment to Article 20.3.4: This would include, for example, *Athletes* from professional leagues.]

*International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which they have authority, in accordance with Article 12.

- 20.3.10 To authorize and facilitate the *Independent Observer Program* at *International Events*.
- 20.3.11 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.
- 20.3.12 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping, to ensure proper enforcement of *Consequences*, and to conduct an automatic investigation of *Athlete Support Personnel* in the case of any anti-doping rule violation involving a *Protected Person* or *Athlete Support Person* who has provided support to more than one *Athlete* found to have committed an anti-doping rule violation.
- 20.3.13 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*, including requiring National Federations to conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.
- 20.3.14 To accept bids for World Championships and other *International Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under Article 24.1.9) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.
- 20.3.15 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations* and report to WADA the failure of any such organization to cooperate with them.
- 20.3.16 To cooperate fully with WADA in connection with investigations conducted by WADA pursuant to Article 20.6.12
- 20.3.17 To have disciplinary rules in place and require National Federations to have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the International Federation's or National Federation's authority.
- 20.3.18 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.3.19 To adopt a policy or rule implementing Article 2.11.
- 20.3.20 To render timely decisions in their *Results Management* process.<sup>111</sup>

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<sup>111</sup> [Comment to Article 20.3.20: See Article 13.3]

- 20.3.21 *National Olympic Committees* and National Paralympic Committees
- 20.3.22 To ensure that their anti-doping policies and rules conform with the *Code* and the *International Standards*.
- 20.3.23 To require, as a condition of membership, that the policies, rules and programs of their National Federations and other members are in compliance with the *Code* and the *International Standards*, and to take appropriate action to enforce such compliance.
- 20.3.24 To respect the autonomy of the *National Anti-Doping Organization* in their country and not to interfere in its operational decisions and activities.
- 20.3.25 To require National Federations to report any information suggesting or relating to an anti-doping rule violation to their *National Anti-Doping Organization* and International Federation and to cooperate with investigations conducted by any *Anti-Doping Organization* with authority to conduct the investigation.
- 20.3.26 To require, as a condition of participation in the Olympic Games and Paralympic Games that, at a minimum, *Athletes* who are not regular members of a National Federation be available for *Sample* collection and to provide whereabouts information as required by the *International Standard for Testing* as soon as the *Athlete* is identified on the long list or subsequent entry document submitted in connection with the Olympic Games or Paralympic Games.
- 20.3.27 To cooperate with their *National Anti-Doping Organization* and to work with their government to establish a *National Anti-Doping Organization* where one does not already exist, provided that, in the interim, the *National Olympic Committee* or its designee shall fulfill the responsibility of a *National Anti-Doping Organization*. For those countries that are members of a *Regional Anti-Doping Organization*, the *National Olympic Committee*, in cooperation with the government, shall maintain an active and supportive role with their respective *Regional Anti-Doping Organization*.
- 20.3.28 To require each of their National Federations to establish rules (or other means) requiring all *Athletes* preparing for or participating in a *Competition* or activity authorized or organized by a National Federation or one of its member organizations, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules and *Anti-Doping Organization Results Management* authority in conformity with the *Code* as a condition of such participation or involvement.
- 20.3.29 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.3.30 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under



the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.

- 20.3.31 To withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.3.32 To withhold some or all funding to their member or recognized National Federations that are not in compliance with the *Code* and/or the *International Standards*.
- 20.3.33 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*, including requiring National Federations to conduct anti-doping *Education* in coordination with the applicable *National Anti-Doping Organization*.
- 20.3.34 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.3.35 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations* and report to WADA the failure of any such organization to cooperate with them.
- 20.3.36 To have disciplinary rules in place to prevent *Athlete Support Personnel* who are *Using Prohibited Substances* or *Prohibited Methods* without valid justification from providing support to *Athletes* within the *National Olympic Committee's* or National Paralympic Committee's authority.
- 20.3.37 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.3.38 To adopt a policy or rule implementing Article 2.11.
- 20.3.39 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard for Code Compliance by Signatories* and (b) by any other sporting body over which it has authority, in accordance with Article 12.

#### 20.4 Roles and Responsibilities of *National Anti-Doping Organizations*<sup>112</sup>

- 20.4.1 To be independent in their operational decisions and activities from sport and government, including without limitation by prohibiting any involvement in their operational decisions or activities by any *Person* who is at the same time involved in the management or operations of any International Federation, National Federation, *Major Event Organization*, *National Olympic Committee*, National Paralympic Committee, or government department with responsibility for sport or

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<sup>112</sup> [Comment to Article 20.5: For some smaller countries, a number of the responsibilities described in this Article may be delegated by their National Anti-Doping Organization to a Regional Anti-Doping Organization.]

anti-doping, and to otherwise respect *National Anti-Doping Organization Operational Independence*.<sup>113</sup>

- 20.4.2 To adopt and implement anti-doping rules and policies which conform with the *Code* and the *International Standards*.
- 20.4.3 To cooperate with other relevant national organizations and agencies and other *Anti-Doping Organizations* and report to WADA the failure of any such organization to cooperate with them.
- 20.4.4 To encourage reciprocal *Testing* between *Anti-Doping Organizations*.
- 20.4.5 To promote anti-doping research.
- 20.4.6 Where funding is provided, to withhold some or all funding, during any period of *Ineligibility*, to any *Athlete* or *Athlete Support Person* who has violated anti-doping rules.
- 20.4.7 To vigorously pursue all potential anti-doping rule violations within their authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping and to ensure proper enforcement of *Consequences*.
- 20.4.8 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.4.9 Each *National Anti-Doping Organization* shall be the authority on *Education* within their respective countries.
- 20.4.10 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.4.11 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*.
- 20.4.12 To conduct an automatic investigation of *Athlete Support Personnel* within their authority in the case of any anti-doping rule violation by a *Protected Person* and to conduct an automatic investigation of any *Athlete Support Person* who has provided

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<sup>113</sup> [Comment to Article 20.5.1: This would not, for example, prohibit a National Anti-Doping Organization from acting as a Delegated Third Party for a Major Event Organization or other Anti-Doping Organization.]

support to more than one *Athlete* found to have committed an anti-doping rule violation.

- 20.4.13 To cooperate fully with *WADA* in connection with investigations conducted by *WADA* pursuant to Article 20.7.14.
- 20.4.14 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.4.15 To adopt a policy or rule implementing Article 2.11.
- 20.4.16 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard for Code Compliance by Signatories* and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.4.17 To render timely decisions in their *Results Management* process.<sup>114</sup>

## 20.5 Roles and Responsibilities of *Major Event Organizations*

- 20.5.1 To adopt and implement anti-doping policies and rules for its *Events* which conform with the *Code* and the *International Standards*.
- 20.5.2 To take appropriate action to discourage non-compliance with the *Code* and the *International Standards* (a) by *Signatories*, in accordance with Article 24.1 and the *International Standard for Code Compliance by Signatories*, and (b) by any other sporting body over which it has authority, in accordance with Article 12.
- 20.5.3 To authorize and facilitate the *Independent Observer Program*.
- 20.5.4 To require all *Athletes* preparing for or participating in the *Event*, and all *Athlete Support Personnel* associated with such *Athletes*, to agree to and be bound by anti-doping rules in conformity with the *Code* as a condition of such participation or involvement.
- 20.5.5 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.5.6 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code-compliant* rules had been applicable to such *Person*.

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<sup>114</sup> [Comment to Article 20.5.17: See Article 13.3.]

- 20.5.7 To vigorously pursue all potential anti-doping rule violations within its authority including investigation into whether *Athlete Support Personnel* or other *Persons* may have been involved in each case of doping.
- 20.5.8 To plan, implement, evaluate and promote anti-doping *Education* in line with the requirements of the *International Standard for Education*.
- 20.5.9 To accept bids for *Events* only from countries where the government has ratified, accepted, approved or acceded to the *UNESCO Convention*, and (where required under Article 24.1.9) to not accept bids for *Events* from countries where the *National Olympic Committee*, the *National Paralympic Committee* and/or the *National Anti-Doping Organization* is not in compliance with the *Code* or the *International Standards*.
- 20.5.10 To cooperate with relevant national organizations and agencies and other *Anti-Doping Organizations* and report to *WADA* the failure of any such organization to cooperate with them.
- 20.5.11 To respect the operational independence of laboratories as provided in the *International Standard for Laboratories*.
- 20.5.12 To adopt a policy or rule implementing Article 2.11.
- 20.5.13 To render timely decisions in their *Results Management* process.<sup>115</sup>
- 20.6 Roles and Responsibilities of *WADA*
  - 20.6.1 To accept the *Code* and commit to fulfill its roles and responsibilities under the *Code* through a declaration approved by *WADA*'s Foundation Board.<sup>116</sup>
  - 20.6.2 To adopt and implement policies and procedures which conform with the *Code* and the *International Standards*.
  - 20.6.3 To provide support and guidance to *Signatories* in their efforts to comply with the *Code* and the *International Standards* and monitor such compliance in accordance with Article 24.1 of the *Code* and the *International Standard for Code Compliance by Signatories*.
  - 20.6.4 To approve *International Standards* applicable to the implementation of the *Code*.
  - 20.6.5 To accredit and reaccredit laboratories to conduct *Sample* analysis or to approve others to conduct *Sample* analysis.
  - 20.6.6 To develop and publish guidelines and models of best practice.
  - 20.6.7 To submit to the *WADA* Executive Committee for approval, upon the recommendation of the *WADA Athletes* Committee the *Athletes*' Anti-Doping Rights Act which compiles in one place those *Athletes*' rights which are specifically identified in the *Code* and *International Standards*, and other agreed upon principles

<sup>115</sup> [Comment to Article 20.6.13: See Article 13.3.]

<sup>116</sup> [Comment to Article 20.7.1: *WADA* cannot be a *Signatory* because of its role in monitoring *Signatory* compliance with the *Code*.]

of best practice with respect to the overall protection of *Athletes'* rights in the context of anti-doping.

- 20.6.8 To promote, conduct, commission, fund and coordinate anti-doping research and to promote anti-doping *Education*.
- 20.6.9 To design and conduct an effective *Independent Observer Program* and other types of *Event* advisory programs.
- 20.6.10 To conduct, in exceptional circumstances and at the direction of the *WADA* Director General, *Testing* on its own initiative or as requested by other *Anti-Doping Organizations*, and to cooperate with relevant national and international organizations and agencies, including but not limited to, facilitating inquiries and investigations.<sup>117</sup>
- 20.6.11 To approve, in consultation with International Federations, *National Anti-Doping Organizations*, and *Major Event Organizations*, defined *Testing* and *Sample* analysis programs.
- 20.6.12 Subject to applicable law, as a condition of such position or involvement, to require all of its board members, directors, officers, and those employees (and those of appointed *Delegated Third Parties*), who are involved in any aspect of *Doping Control*, to agree to be bound by anti-doping rules as *Persons* in conformity with the *Code* for direct and intentional misconduct, or to be bound by comparable rules and regulations put in place by the *Signatory*.
- 20.6.13 Subject to applicable law, to not knowingly employ a *Person* in any position involving *Doping Control* (other than authorized anti-doping *Education* or rehabilitation programs) who is *Provisionally Suspended* or is serving a period of *Ineligibility* under the *Code* or, if a *Person* was not subject to the *Code*, who has directly and intentionally engaged in conduct within the previous six (6) years which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*.
- 20.6.14 To initiate its own investigations of anti-doping rule violations, non-compliance of *Signatories* and *WADA*-accredited laboratories, and other activities that may facilitate doping.

## 20.7 Cooperation Regarding Third Party Regulations

*Signatories* shall cooperate with each other, *WADA* and governments to encourage professional associations and institutions with authority over *Athlete Support Personnel* who are otherwise not subject to the *Code* to implement regulations prohibiting conduct which would be considered an anti-doping rule violation if committed by *Athlete Support Personnel* who are subject to the *Code*.

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<sup>117</sup> [Comment to Article 20.6.10: *WADA* is not a *Testing* agency, but it reserves the right, in exceptional circumstances, to conduct its own tests where problems have been brought to the attention of the relevant *Anti-Doping Organization* and have not been satisfactorily addressed.]

## Article 21 Additional Roles and Responsibilities of *Athletes* and *Other Persons*

### 21.1 Roles and Responsibilities of *Athletes*

- 21.1.1 To be knowledgeable of and comply with all applicable anti-doping policies and rules adopted pursuant to the *Code*.
- 21.1.2 To be available for *Sample* collection at all times.<sup>118</sup>
- 21.1.3 To take responsibility, in the context of anti-doping, for what they ingest and *Use*.
- 21.1.4 To inform medical personnel of their obligation not to *Use Prohibited Substances* and *Prohibited Methods* and to take responsibility to make sure that any medical treatment received does not violate anti-doping policies and rules adopted pursuant to the *Code*.
- 21.1.5 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that the *Athlete* committed an anti-doping rule violation within the previous ten (10) years.
- 21.1.6 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.<sup>119</sup>
- 21.1.7 To disclose the identity of their *Athlete Support Personnel* upon request by any *Anti-Doping Organization* with authority over the *Athlete*.

### 21.2 Roles and Responsibilities of *Athlete Support Personnel*

- 21.2.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them or the *Athletes* whom they support.
- 21.2.2 To cooperate with the *Athlete Testing* program.
- 21.2.3 To use their influence on *Athlete* values and behavior to foster anti-doping attitudes.
- 21.2.4 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.
- 21.2.5 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.<sup>120</sup>

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<sup>118</sup> [Comment to Article 21.1.2: With due regard to an *Athlete's* human rights and privacy, legitimate anti-doping considerations sometimes require *Sample* collection late at night or early in the morning. For example, it is known that some *Athletes* *Use* low doses of *EPO* during these hours so that it will be undetectable in the morning.]

<sup>119</sup> [Comment to Article 21.1.6: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a *Signatory's* rules.]

<sup>120</sup> [Comment to Article 21.2.5: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis for disciplinary action under a *Signatory's* rules.]



- 21.2.6 *Athlete Support Personnel* shall not *Use* or *Possess* any *Prohibited Substance* or *Prohibited Method* without valid justification.<sup>121</sup>
- 21.2.7 No *Person* subject to a period of *Ineligibility* shall provide *Athlete Support Personnel* services to any *Athlete* who is bound by rules adopted pursuant to the *Code*.
- 21.3 Roles and Responsibilities of Other *Persons* Subject to the *Code*
  - 21.3.1 To be knowledgeable of and comply with all anti-doping policies and rules adopted pursuant to the *Code* and which are applicable to them.
  - 21.3.2 To disclose to their *National Anti-Doping Organization* and International Federation any decision by a non-*Signatory* finding that they committed an anti-doping rule violation within the previous ten (10) years.
  - 21.3.3 To cooperate with *Anti-Doping Organizations* investigating anti-doping rule violations.<sup>122</sup>
- 21.4 Roles and Responsibilities of *Regional Anti-Doping Organizations*
  - 21.4.1 To encourage and support member countries to adopt and implement rules, policies and programs which conform with the *Code*.
  - 21.4.2 To support the relevant authorities in their member countries, including government and sport, in fulfilling their respective roles and responsibilities under the *Code*.
  - 21.4.3 To require, as a condition of membership, that a member country sign an official *Regional Anti-Doping Organization* membership form which clearly outlines the delegation of anti-doping responsibilities to the *Regional Anti-Doping Organization* and the *RADO's* expectations of the member country.
  - 21.4.4 To cooperate with other relevant national and regional organizations and agencies and other *Anti-Doping Organizations*.
  - 21.4.5 To encourage reciprocal *Testing* between *National Anti-Doping Organizations* and *Regional Anti-Doping Organizations*.
  - 21.4.6 To promote and assist with development among its member countries and other relevant *Anti-Doping Organizations*.
  - 21.4.7 To support member countries in planning, implementing, evaluating and promoting anti-doping *Education* in line with the requirements of the *International Standard for Education*.
  - 21.4.8 To promote anti-doping research.

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<sup>121</sup> [Comment to Article 21.2.6: In those situations where *Use* or *personal Possession* of a *Prohibited Substance* or *Prohibited Method* by an *Athlete Support Person* without justification is not an anti-doping rule violation under the *Code*, it should be subject to other sport disciplinary rules. Coaches and other *Athlete Support Personnel* are often role models for *Athletes*. They should not be engaging in personal conduct which conflicts with their responsibility to encourage their *Athletes* not to dope.]

<sup>122</sup> [Comment to Article 21.3.3: Failure to cooperate is not an anti-doping rule violation under the *Code*, but it may be the basis of disciplinary action under a *Signatory's* rules.]

## Article 22 Involvement of Governments<sup>123</sup>

Each government's commitment to the *Code* will be evidenced by its signing the Copenhagen Declaration on Anti-Doping in Sport of 3 March 2003, and by ratifying, accepting, approving or acceding to the *UNESCO Convention*.

The *Signatories* are aware that any action taken by a government is a matter for that government and subject to the obligations under international law as well as to its own laws and regulations. While governments are bound only by the requirements of the relevant international intergovernmental treaties (and notably of the *UNESCO Convention*), the following Articles set forth the expectations of the *Signatories* to support them in the implementation of the *Code*.

- 22.1 Each government should take all actions and measures necessary to comply with the *UNESCO Convention*.
- 22.2 Each government should put in place legislation, regulation, policies or administrative practices for: cooperation and sharing of information with *Anti-Doping Organizations*; sharing of data among *Anti-Doping Organizations* as provided in the *Code*; unrestricted transport of urine and blood *Samples* in a manner that maintains their security and integrity; and unrestricted entry and exit of *Doping Control* officials and unrestricted access for *Doping Control* officials to all areas where *International-Level Athletes* or *National-Level Athletes* live or train to conduct no advance notice *Testing*, subject to applicable border control, immigration and access requirements and regulations.
- 22.3 Each government should adopt rules, regulations or policies to discipline officials and employees who are involved in *Doping Control*, sport performance or medical care in a sport setting, including in a supervisory capacity, for engaging in activities which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Persons*.
- 22.4 Each government should not permit any *Person* to be involved in any position involving *Doping Control*, sport performance or medical care in a sport setting, including in a supervisory capacity, where such *Person*: (i) is serving a period of *Ineligibility* for an anti-doping rule violation under the *Code*, or (ii) if not subject to the authority of an *Anti-Doping Organization*, and where *Ineligibility* has not been addressed in a *Results Management* process pursuant to the *Code*, has been convicted or found in a criminal, disciplinary or professional proceeding to have engaged in conduct which would have constituted a violation of anti-doping rules if *Code*-compliant rules had been applicable to such *Person*, in which case the disqualifying status of such *Person* should be in force for the longer of six (6) years from the criminal, professional or disciplinary decision or the duration of the criminal, disciplinary or professional sanction imposed.
- 22.5 Each government should encourage cooperation between all of its public services or agencies and *Anti-Doping Organizations* to timely share information with *Anti-Doping Organizations*

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<sup>123</sup> [Comment to Article 22: Most governments cannot be parties to, or be bound by, private non-governmental instruments such as the *Code*. For that reason, governments are not asked to be *Signatories* to the *Code* but rather to sign the Copenhagen Declaration and ratify, accept, approve or accede to the *UNESCO Convention*. Although the acceptance mechanisms may be different, the effort to combat doping through the coordinated and harmonized program reflected in the *Code* is very much a joint effort between the sport movement and governments.

This Article sets forth what the *Signatories* clearly expect from governments. However, these are simply "expectations" since governments are only "obligated" to adhere to the requirements of the *UNESCO Convention*.]

which would be useful in the fight against doping and where to do so would not otherwise be legally prohibited.

- 22.6 Each government should respect arbitration as the preferred means of resolving doping-related disputes, subject to human and fundamental rights and applicable national law.
- 22.7 Each government that does not have a *National Anti-Doping Organization* in its country should work with its *National Olympic Committee* to establish one.
- 22.8 Each government should respect the autonomy of a *National Anti-Doping Organization* in its country or a *Regional Anti-Doping Organization* to which its country belongs and any *WADA*-accredited or approved laboratory in its country and not interfere in their operational decisions and activities.
- 22.9 Each government should not limit or restrict *WADA*'s access to any doping *Samples* or anti-doping records or information held or controlled by any *Signatory*, member of a *Signatory* or *WADA*-accredited or approved laboratory.
- 22.10 Failure by a government to ratify, accept, approve or accede to the *UNESCO Convention* may result in ineligibility to bid for and/or host *Events* as provided in Articles 20.1.11, 20.3.14 and 20.6.9, and the failure by a government to comply with the *UNESCO Convention* thereafter, as determined by UNESCO, may result in meaningful consequences by UNESCO and *WADA* as determined by each organization.

PART FOUR  
ACCEPTANCE,  
COMPLIANCE,  
MODIFICATION AND  
INTERPRETATION

## Article 23 Acceptance and Implementation

### 23.1 Acceptance of the Code

- 23.1.1 The following entities may be *Signatories* to the Code: the International Olympic Committee, International Federations, the International Paralympic Committee, *National Olympic Committees*, National Paralympic Committees, *Major Event Organizations*, *National Anti-Doping Organizations* and other organizations having significant relevance in sport.
- 23.1.2 The International Olympic Committee; International Federations recognized by the International Olympic Committee; the International Paralympic Committee; *National Olympic Committees*; National Paralympic Committees; *National Anti-Doping Organizations*; and *Major Event Organizations* recognized by one or more of the aforementioned entities shall become *Signatories* by signing a declaration of acceptance or by another form of acceptance determined to be acceptable by WADA.
- 23.1.3 Any other entity described in Article 23.1.1 may submit an application to WADA to become a *Signatory* which will be reviewed under a policy adopted by WADA. WADA's acceptance of such applications shall be subject to conditions and requirements established by WADA in such policy.<sup>124</sup> Upon acceptance of an application by WADA, the applicant's becoming a *Signatory* is subject to the applicant signing a declaration of acceptance of the Code and an acceptance of the conditions and requirements established by WADA for such applicant.
- 23.1.4 A list of all acceptances will be made public by WADA.

### 23.2 Implementation of the Code

- 23.2.1 The *Signatories* shall implement applicable Code provisions through policies, statutes, rules or regulations according to their authority and within their relevant spheres of responsibility.
- 23.2.2 The following Articles as applicable to the scope of the *Anti-Doping Activity* which the *Anti-Doping Organization* performs must be implemented by *Signatories* without substantive change (allowing for any non-substantive changes to the language in order to refer to the organization's name, sport, section numbers, etc.):<sup>125</sup>
- Article 1 (Definition of Doping)
  - Article 2 (Anti-Doping Rule Violations)
  - Article 3 (Proof of Doping)
  - Article 4.2.2 (*Specified Substances or Specified Methods*)

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<sup>124</sup> [Comment to Article 23.1.3: For example, these conditions and requirements would include financial contributions by the entity to cover WADA's administrative, monitoring and compliance costs that may be attributable to the application process and the entity's subsequent Signatory status.]

<sup>125</sup> [Comment to Article 23.2.2: Nothing in the Code precludes an Anti-Doping Organization from adopting and enforcing its own specific disciplinary rules for conduct by Athlete Support Personnel related to doping but which does not, in and of itself, constitute an anti-doping rule violation under the Code. For example, a National or International Federation could refuse to renew the license of a coach when multiple Athletes have committed anti-doping rule violations while under that coach's supervision.]

- Article 4.2.3 (*Substances of Abuse*)
- Article 4.3.3 (*WADA’s Determination of the Prohibited List*)
- Article 7.7 (Retirement from Sport)
- Article 9 (Automatic *Disqualification* of Individual Results)
- Article 10 (Sanctions on Individuals)
- Article 11 (*Consequences* to Teams)
- Article 13 (Appeals) with the exception of 13.2.2, 13.6, and 13.7
- Article 15.1 (Automatic Binding Effect of Decisions)
- Article 17 (Statute of Limitations)
- Article 26 (Interpretation of the *Code*)
- Appendix 1 – Definitions

No additional provision may be added to a *Signatory’s* rules which changes the effect of the Articles enumerated in this Article. A *Signatory’s* rules must expressly acknowledge the Commentary of the *Code* and endow the Commentary with the same status that it has in the *Code*. However, nothing in the *Code* precludes a *Signatory* from having rules regulating aspects of sport or their activities unrelated to doping.

Where a *Signatory* intends to use *Samples* or *Doping Control* information for the purpose of regulating aspects of their sport or activities unrelated to doping (e.g., safety, medical, eligibility or Code of Conduct policies) such organizations would be acting outside its capacity as a *Signatory* and would be solely responsible for ensuring any of its collection, use, disclosure or other processing of such *Sample* or *Doping Control* information is (i) expressly contemplated in the applicable rule(s), and (ii) permitted by and in compliance with applicable laws, including requirements for consent or other lawful authority for the collection, use, disclosure or other processing of such *Sample* or *Doping Control* information, the provision of notice, and limitation on the use of such *Sample* or *Doping Control* information for the applicable purpose.<sup>126</sup>

23.2.3 In implementing the *Code*, the *Signatories* are encouraged to use the models of best practice recommended by *WADA*.

### 23.3 Implementation of Anti-Doping Programs

*Signatories* shall devote sufficient resources in order to implement anti-doping programs in all areas that are compliant with the *Code* and the *International Standards*.

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<sup>126</sup> [Comment to Article 23.2.2: For example, an International Federation could decide, for reputational and health reasons, to have a Code of Conduct rule prohibiting an Athlete’s Use or Possession of cocaine Out-of-Competition. Subject to applicable laws and foregoing requirements in an anti-doping Sample collection Out-of-Competition, such International Federation would be able to have the laboratory test for cocaine as part of the enforcement of its Code of Conduct policy. On the other hand, the International Federation’s Code of Conduct could not impose additional sanctions for the Use of cocaine In-Competition since that is already covered by the sanction scheme established in the Code.]



## Article 24 Monitoring and Enforcing Compliance with the Code and UNESCO Convention

- 24.1 Monitoring and Enforcing Compliance with the Code<sup>127</sup>
- 24.1.1 Compliance by *Signatories* with the *Code* and the *International Standards* shall be monitored by *WADA* in accordance with the *International Standard for Code Compliance by Signatories*.
  - 24.1.2 To facilitate such monitoring, each *Signatory* shall report to *WADA* on its compliance with the *Code* and the *International Standards* as and when required by *WADA*. As part of that reporting, the *Signatory* shall accurately provide all of the information requested by *WADA* and shall explain the actions it is taking to correct any *Non-Conformities*.
  - 24.1.3 Failure by a *Signatory* to provide accurate information in accordance with Article 24.1.2 itself constitutes an instance of *Non-Conformity* with the *Code*, as does failure by a *Signatory* to submit accurate information to *WADA* where required by other Articles of the *Code* or by the *International Standard for Code Compliance by Signatories* or other *International Standard*.
  - 24.1.4 In cases of *Non-Conformity* (whether with reporting obligations or otherwise), *WADA* shall follow the corrective procedures set out in the *International Standard for Code Compliance by Signatories*. If the *Signatory* or its delegate fails to correct the *Non-Conformities* within the specified timeframe, then (following approval of such course by *WADA's* Executive Committee) *WADA* shall send a formal notice to the *Signatory*, alleging that the *Signatory* is non-compliant, specifying the consequences that *WADA* proposes should apply for such non-compliance from the list of potential consequences set forth in Article 24.1.12, and specifying the conditions that *WADA* proposes the *Signatory* should have to satisfy in order to be *Reinstated* to the list of *Code-compliant Signatories*. That notice will be publicly reported in accordance with the *International Standard for Code Compliance by Signatories*.
  - 24.1.5 If the *Signatory* does not dispute *WADA's* allegation of non-compliance or the consequences or *Reinstatement* conditions proposed by *WADA* within twenty-one (21) days of receipt of the formal notice, the non-compliance alleged will be deemed admitted and the consequences and *Reinstatement* conditions proposed will be deemed accepted, the notice will automatically become and will be issued by *WADA* as a final decision, and (without prejudice to any appeal filed in accordance with Article 13.6) it will be enforceable with immediate effect in accordance with Article 24.1.9. The decision will be publicly reported as provided in the *International Standard for Code Compliance by Signatories* or other *International Standards*.
  - 24.1.6 If the *Signatory* wishes to dispute *WADA's* allegation of non-compliance, and/or the consequences and/or the *Reinstatement* conditions proposed by *WADA*, it must notify *WADA* in writing within twenty-one (21) days of its receipt of the notice from *WADA*. In that event, *WADA* shall file a formal notice of dispute with *CAS*, and that dispute will be resolved by the *CAS* Ordinary Arbitration Division in accordance with

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<sup>127</sup> [Comment to Article 24.1: Defined terms specific to Article 24.1 are set forth at the end of Appendix 1 to the Code.]

the *International Standard for Code Compliance by Signatories*. WADA shall have the burden of proving to the CAS Panel, on the balance of probabilities, that the *Signatory* is non-compliant (if that is disputed). If the CAS Panel decides that WADA has met that burden, and if the *Signatory* has also disputed the consequences and/or the *Reinstatement* conditions proposed by WADA, the CAS Panel will also decide, by reference to the relevant provisions of the *International Standard for Code Compliance by Signatories*: (a) what consequences should be imposed from the list of potential consequences set out in Article 24.1.12 of the *Code*; and (b) what conditions the *Signatory* should be required to satisfy in order to be *Reinstated*.

24.1.7 WADA will publicly report the fact that the case has been referred to CAS for determination. Each of the following *Persons* shall have the right to intervene and participate as a party in the case, provided it gives notice of its intervention within ten (10) days of such publication by WADA:

24.1.7.1 the International Olympic Committee and/or the International Paralympic Committee (as applicable), and the *National Olympic Committee* and/or the National Paralympic Committee (as applicable), where the decision may have an effect in relation to the Olympic Games or Paralympic Games (including decisions affecting eligibility to attend/participate in the Olympic Games or Paralympic Games); and

24.1.7.2 an International Federation, where the decision may have an effect on participation in the International Federation's World Championships and/or other *International Events* and/or on a bid that has been submitted for a country to host the International Federation's World Championships and/or other *International Events*.

Any other *Person* wishing to participate as a party in the case must apply to CAS within ten (10) days of publication by WADA of the fact that the case has been referred to CAS for determination. CAS shall permit such intervention (i) if all other parties in the case agree; or (ii) if the applicant demonstrates a sufficient legal interest in the outcome of the case to justify its participation as a party.

24.1.8 CAS's decision resolving the dispute will be publicly reported by CAS and by WADA. Subject to the right under Swiss law to challenge that decision before the Swiss Federal Tribunal, the decision shall be final and enforceable with immediate effect in accordance with Article 24.1.9.

24.1.9 Final decisions issued in accordance with Article 24.1.5 or Article 24.1.8, determining that a *Signatory* is non-compliant, imposing consequences for such non-compliance, and/or setting conditions that the *Signatory* has to satisfy in order to be *Reinstated* to the list of *Code-compliant Signatories*, and decisions by CAS further to Article 24.1.10, are applicable worldwide, and shall be recognized, respected and given full effect by all other *Signatories* in accordance with their authority and within their respective spheres of responsibility.

24.1.10 If a *Signatory* wishes to dispute WADA's allegation that the *Signatory* has not yet met all of the *Reinstatement* conditions imposed on it and therefore is not yet entitled to be *Reinstated* to the list of *Code-compliant Signatories*, the *Signatory* must advise WADA in writing within twenty-one (21) days of its receipt of the allegation from

*WADA*. In that event, *WADA* shall file a formal notice of dispute with *CAS*, and the dispute will be resolved by the *CAS* Ordinary Arbitration Division in accordance with Articles 24.1.6 to 24.1.8. *WADA* shall have the burden to prove to the *CAS* Panel, on the balance of probabilities, that the *Signatory* has not yet met all of the *Reinstatement* conditions imposed on it and therefore is not yet entitled to be *Reinstated*. Subject to the right under Swiss law to challenge *CAS*'s decision before the Swiss Federal Tribunal, *CAS*'s decision shall be final and enforceable with immediate effect in accordance with Article 24.1.9.

24.1.11 The various requirements imposed on *Signatories* by the *Code* and the *International Standards* shall be classified either as *Critical*, or as *High Priority*, or as *General*, in accordance with the *International Standard* for *Code* Compliance by *Signatories*, depending on their relative importance to the fight against doping in sport. That classification shall be a key factor in determining what consequences should be imposed in the event of non-compliance with such requirement(s), in accordance with Article 10 of the *International Standard* for *Code* Compliance by *Signatories*. The *Signatory* has the right to dispute the classification of the requirement, in which case *CAS* will decide on the appropriate classification.

24.1.12 The following consequences may be imposed, individually or cumulatively, on a *Signatory* that has failed to comply with the *Code* and/or the *International Standards*, based on the particular facts and circumstances of the case at hand, and the provisions of Article 10 of the *International Standard* for *Code* Compliance by *Signatories*:

24.1.12.1 Ineligibility or withdrawal of *WADA* privileges:

- a) in accordance with the relevant provisions of *WADA*'s Statutes, the *Signatory's Representatives* being ruled ineligible for a specified period to hold any *WADA* office or any position as a member of any *WADA* board or committee or other body (including but not limited to *WADA*'s Foundation Board, the Executive Committee, and any Standing Committee) (although *WADA* may exceptionally permit *Representatives* of the *Signatory* to remain as members of *WADA* expert groups where there is no effective substitute available);
- b) the *Signatory* being ruled ineligible to host any event organized or co-hosted or co-organized by *WADA*;
- c) the *Signatory's Representatives* being ruled ineligible to participate in any *WADA Independent Observer Program* or *WADA Outreach* program or other *WADA* activities;
- d) withdrawal of *WADA* funding to the *Signatory* (whether direct or indirect) relating to the development of specific activities or participation in specific programs; and

24.1.12.2 The *Signatory's Representatives* being ruled ineligible for a specified period to hold any office of or position as a member of the board or committees or other bodies of any other *Signatory* (or its members) or association of *Signatories*.

- 24.1.12.3 *Special Monitoring* of some or all of the *Signatory's Anti-Doping Activities*, until WADA considers that the *Signatory* is in a position to implement such *Anti-Doping Activities* in a compliant manner without such monitoring.
- 24.1.12.4 *Supervision and/or Takeover* of some or all of the *Signatory's Anti-Doping Activities* by an *Approved Third Party*, until WADA considers that the *Signatory* is in a position to implement such *Anti-Doping Activities* itself in a compliant manner without such measures:
- a) If the non-compliance involves non-compliant rules, regulations and/or legislation, then the *Anti-Doping Activities* in issue shall be conducted under other applicable rules (of one or more other *Anti-Doping Organizations*, e.g., International Federations or *National Anti-Doping Organizations* or *Regional Anti-Doping Organizations*) that are compliant, as directed by WADA. In that case, while the *Anti-Doping Activities* (including any *Testing* and *Results Management*) will be administered by the *Approved Third Party* under and in accordance with those other applicable rules at the cost of the non-compliant *Signatory*, any costs incurred by the *Anti-Doping Organizations* as a result of the use of their rules in this manner shall be reimbursed by the non-compliant *Signatory*.
  - b) If it is not possible to fill the gap in the *Signatory's Anti-Doping Activities* in this way (for example, because national legislation prohibits it, and the *National Anti-Doping Organization* has not secured an amendment to that legislation or other solution), then it may be necessary as an alternative measure to exclude *Athletes* who would have been covered by the *Signatory's Anti-Doping Activities* from participating in the Olympic Games/Paralympic Games/other *Events*, in order to protect the rights of clean *Athletes* and to preserve public confidence in the integrity of competition at those events.
- 24.1.12.5 *A Fine*.
- 24.1.12.6 Suspension or loss of eligibility to receive some or all funding and/or other benefits from the International Olympic Committee or the International Paralympic Committee or any other *Signatory* for a specified period (with or without the right to receive such funding and/or other benefits for that period retrospectively following *Reinstatement*).
- 24.1.12.7 Recommendation to the relevant public authorities to withhold some or all public and/or other funding and/or other benefits from the *Signatory* for a specified period (with or without the right to receive such funding

and/or other benefits for that period retrospectively following *Reinstatement*).<sup>128</sup>

24.1.12.8 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*, the *Signatory's* country being ruled ineligible to host or co-host and/or to be awarded the right to host or co-host an *International Event* (e.g., Olympic Games, Paralympic Games, any other *Major Event Organization's Event*, World Championships, regional or continental championships, and/or any other *International Event*):

- a) If the right to host or co-host a World Championship and/or other *International Event(s)* has already been awarded to the country in question, the *Signatory* that awarded that right must assess whether it is legally and practically possible to withdraw that right and re-assign the *Event* to another country. If it is legally and practically possible to do so, then the *Signatory* shall do so.
- b) *Signatories* shall ensure that they have due authority under their statutes, rules and regulations, and/or hosting agreements, to comply with this requirement (including a right in any hosting agreement to cancel the agreement without penalty where the relevant country has been ruled ineligible to host the *Event*).

24.1.12.9 Where the *Signatory* is a *National Anti-Doping Organization* or a *National Olympic Committee* or a *National Paralympic Committee*, exclusion of the following *Persons* from participation in or attendance at the Olympic Games and the Paralympic Games and/or other specified *Events*, World Championships, regional or continental championships and/or any other *International Events* for a specified period:

- a) the *National Olympic Committee* and/or the *National Paralympic Committee* of the *Signatory's* country;
- b) the *Representatives* of that country and/or of the *National Olympic Committee* and/or the *National Paralympic Committee* of that country; and/or
- c) the *Athletes* and *Athlete Support Personnel* affiliated to that country and/or to the *National Olympic Committee* and/or to the *National Paralympic Committee* and/or to the *National Federation* of that country.

24.1.12.10 Where the *Signatory* is an *International Federation*, exclusion of the following *Persons* from participation in or attendance at the Olympic Games and the Paralympic Games and/or other *Events* for a specified period: the *Representatives* of that *International Federation* and/or the *Athletes* and *Athlete Support Personnel* participating in the

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<sup>128</sup> [Comment to Article 24.1.12.7: Public authorities are not *Signatories* to the Code. In accordance with Article 11(c) of the UNESCO Convention, however, State Parties shall, where appropriate, withhold some or all financial or other sport-related support from any sports organization or Anti-Doping Organization that is not in compliance with the Code.]



International Federation's sport (or in one or more disciplines of that sport).

24.1.12.11 Where the *Signatory* is a *Major Event Organization*:

- a) Special Monitoring or Supervision or Takeover of the Major Event Organization's Anti-Doping Activities at the next edition(s) of its Event; and/or
- b) Suspension or loss of eligibility to receive funding and other benefits from and/or the recognition/membership/patronage (as applicable) of the International Olympic Committee, the International Paralympic Committee, the Association of National Olympic Committees, or other patron body; and/or
- c) loss of recognition of its Event as a qualifying event for the Olympic Games or the Paralympic Games.

24.1.12.12 Suspension of recognition by the Olympic Movement and/or of membership of the Paralympic Movement.

24.1.13 Other Consequences

Governments and *Signatories* and associations of *Signatories* may impose additional consequences within their respective spheres of authority for non-compliance by *Signatories*, provided that this does not compromise or restrict in any way the ability to apply consequences in accordance with this Article 24.1.<sup>129</sup>

24.2 Monitoring Compliance with the *UNESCO Convention*

Compliance with the commitments reflected in the *UNESCO Convention* will be monitored as determined by the Conference of Parties to the *UNESCO Convention*, following consultation with the State Parties and WADA. WADA shall advise governments on the implementation of the *Code* by the *Signatories* and shall advise *Signatories* on the ratification, acceptance, approval or accession to the *UNESCO Convention* by governments.

## Article 25 Modification and Withdrawal

### 25.1 Modification

25.1.1 WADA shall be responsible for overseeing the evolution and improvement of the *Code*. *Athletes* and other stakeholders and governments shall be invited to participate in such process.

25.1.2 WADA shall initiate proposed amendments to the *Code* and shall ensure a consultative process to both receive and respond to recommendations and to

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<sup>129</sup> [Comment to Article 24.1.13: For example, the International Olympic Committee may decide to impose symbolic or other consequences on an International Federation or a National Olympic Committee pursuant to the Olympic Charter, such as withdrawal of eligibility to organize an International Olympic Committee Session or an Olympic Congress; while an International Federation may decide to cancel International Events that were scheduled to be held in the country of a non-compliant Signatory, or move them to another country.]



facilitate review and feedback from *Athletes* and other stakeholders and governments on recommended amendments.

25.1.3 Amendments to the *Code* shall, after appropriate consultation, be approved by a two-thirds majority of the *WADA* Foundation Board including a majority of both the public sector and Olympic Movement members casting votes. Amendments shall, unless provided otherwise, go into effect three (3) months after such approval.

25.1.4 *Signatories* shall modify their rules to incorporate the 2027 *Code* on or before 1 January 2027, to take effect on 1 January 2027. *Signatories* shall implement any subsequent applicable amendment to the *Code* within one (1) year of approval by the *WADA* Foundation Board.<sup>130</sup>

## 25.2 Withdrawal of Acceptance of the *Code*

*Signatories* may withdraw acceptance of the *Code* after providing *WADA* six-months written notice of their intent to withdraw. *Signatories* shall no longer be considered in compliance once acceptance has been withdrawn.

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<sup>130</sup> [Comment to Articles 25.1.3 and 25.1.4: Under Article 25.1.3, new or changed obligations imposed on *Signatories* automatically go into effect three (3) months after approval unless provided otherwise. In contrast, Article 25.1.4 addresses new or changed obligations imposed on *Athletes* or other *Persons* which can only be enforced against individual *Athletes* or other *Persons* by changes to the anti-doping rules of the relevant *Signatory* (e.g., an *International Federation*). For that reason, Article 25.1.4 provides for a longer period of time for each *Signatory* to conform its rules to the 2027 *Code* and take any necessary measures to ensure the appropriate *Athletes* and other *Persons* are bound by the rules.]

## Article 26 Interpretation of the Code

- 26.1 The official text of the *Code* shall be maintained by WADA and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.
- 26.2 The comments annotating various provisions of the *Code* shall be used to interpret the *Code*.
- 26.3 The *Code* shall be interpreted as an independent and autonomous text and not by reference to the existing law or statutes of the *Signatories* or governments.
- 26.4 The headings used for the various Parts and Articles of the *Code* are for convenience only and shall not be deemed part of the substance of the *Code* or to affect in any way the language of the provisions to which they refer.
- 26.5 Where the term “days” is used in the *Code* or an *International Standard*, it shall mean calendar days unless otherwise specified.
- 26.6 The *Code* shall not apply retroactively to matters pending before the date the *Code* is accepted by a *Signatory* and implemented in its rules. However, pre-*Code* anti-doping rule violations would continue to count as “First violations” or “Second violations” for purposes of determining sanctions under Article 10 for subsequent post-*Code* violations.
- 26.7 The Purpose, Scope and Organization of the World Anti-Doping Program and the *Code* and Appendix 1, Definitions and Appendix 2, Examples of the Application of Article 10, shall be considered integral parts of the *Code*.

## Article 27 Transitional Provisions

- 27.1 General Application of the 2027 *Code*

The 2027 *Code* shall apply in full as of 1 January 2027 (the “Effective Date”).

- 27.2 Non-Retroactive except for Articles 10.9.4 and 17 or Unless Principle of “Lex Mitior” Applies

Any anti-doping rule violation case which is pending as of the Effective Date and any anti-doping rule violation case brought after the Effective Date based on an anti-doping rule violation which occurred prior to the Effective Date shall be governed by the substantive anti-doping rules in effect at the time the alleged anti-doping rule violation occurred, and not by the substantive anti-doping rules set out in this 2027 *Code*, unless the panel hearing the case determines the principle of “lex mitior” appropriately applies under the circumstances of the case. For these purposes, the retrospective periods in which prior violations can be considered for purposes of multiple violations under Article 10.9.4 and the statute of limitations set forth in Article 17 are procedural rules, not substantive rules, and should be applied retroactively along with all of the other procedural rules in the 2027 *Code* (provided, however, that Article 17 shall only be applied retroactively if the statute of limitations period has not already expired by the Effective Date).

- 27.3 Application to Decisions Rendered Prior to the 2027 *Code*

With respect to cases where a final decision finding an anti-doping rule violation has been rendered prior to the Effective Date, but the *Athlete* or other *Person* is still serving the period

of *Ineligibility* as of the Effective Date, the *Athlete* or other *Person* may apply to the *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the 2027 *Code*. Such application must be made before the period of *Ineligibility* has expired. The decision rendered by the *Anti-Doping Organization* may be appealed pursuant to Article 13.2. The 2027 *Code* shall have no application to any anti-doping rule violation case where a final decision finding an anti-doping rule violation has been rendered and the period of *Ineligibility* has expired.

#### 27.4 Multiple Violations Where the First Violation Occurs Prior to 1 January 2027

For purposes of assessing the period of *Ineligibility* for a second violation under Article 10.9.1, where the sanction for the first violation was determined based on pre-2027 *Code* rules, the period of *Ineligibility* which would have been assessed for that first violation had 2027 *Code* rules been applicable, shall be applied.<sup>131</sup>

#### 27.5 Additional *Code* Amendments

Any additional *Code* Amendments shall go into effect as provided in Article 27.1.

#### 27.6 Changes to the *Prohibited List*

Changes to the *Prohibited List* and *Technical Documents* relating to substances or methods on the *Prohibited List* shall not, unless they specifically provide otherwise, be applied retroactively. As an exception, however, when a *Prohibited Substance* or *Prohibited Method* has been removed from the *Prohibited List*, an *Athlete* or other *Person* currently serving a period of *Ineligibility* on account of the formerly *Prohibited Substance* or *Prohibited Method* may apply to the *Anti-Doping Organization* which had *Results Management* responsibility for the anti-doping rule violation to consider a reduction in the period of *Ineligibility* in light of the removal of the substance or method from the *Prohibited List*.

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<sup>131</sup> [Comment to Article 27.4: Other than the situation described in Article 27.4, where a final decision finding an anti-doping rule violation has been rendered prior to the existence of the Code or under the Code in force before the 2027 Code and the period of *Ineligibility* imposed has been completely served, the 2027 Code may not be used to re-characterize the prior violation.]

# APPENDIX 1

## DEFINITIONS

## Definitions<sup>132</sup>

**ADAMS:** The Anti-Doping Administration and Management System is a Web-based database management tool for data entry, storage, sharing, and reporting designed to assist stakeholders and WADA in their anti-doping operations in conjunction with data protection legislation.

**Administration:** Providing, supplying, supervising, facilitating, or otherwise participating in the *Use* or *Attempted Use* by another *Person* of a *Prohibited Substance* or *Prohibited Method*. However, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance* or *Prohibited Method Used* for genuine and legal therapeutic purposes or other acceptable justification and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate that such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**Adverse Analytical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory that, consistent with the *International Standard* for Laboratories, establishes in a *Sample* the presence of a *Prohibited Substance* or its *Metabolites* or *Markers* or evidence of the *Use* of a *Prohibited Method*.

**Adverse Passport Finding:** A report identified as an *Adverse Passport Finding* as described in the applicable *International Standards*.

**Aggravating Circumstances:** Circumstances involving, or actions by, an *Athlete* or other *Person* which may justify the imposition of a period of *Ineligibility* greater than the standard sanction. Such circumstances and actions shall include, but are not limited to: the *Athlete* or other *Person Used* or *Possessed* multiple *Prohibited Substances* or *Prohibited Methods, Used* or *Possessed a Prohibited Substance* or *Prohibited Method* on multiple occasions or committed multiple other anti-doping rule violations; a normal individual would be likely to enjoy the performance-enhancing effects of the anti-doping rule violation(s) beyond the otherwise applicable period of *Ineligibility*; the *Athlete* or *Person* engaged in deceptive or obstructive conduct to avoid the detection or adjudication of an anti-doping rule violation. For the avoidance of doubt, the examples of circumstances and conduct described herein are not exclusive and other similar circumstances or conduct may also justify the imposition of a longer period of *Ineligibility*.

**Anti-Doping Activities:** Anti-doping *Education* and information, test distribution planning, maintenance of a *Registered Testing Pool*, managing *Athlete Biological Passports*, conducting *Testing*, organizing analysis of *Samples*, gathering of intelligence and conduct of investigations, processing of *TUE* applications, *Results Management*, monitoring and enforcing compliance with any *Consequences* imposed, and all other activities related to anti-doping to be carried out by or on behalf of an *Anti-Doping Organization*, as set out in the *Code* and/or the *International Standards*.

**Anti-Doping Organization:** WADA or a *Signatory* that is responsible for adopting rules for initiating, implementing or enforcing any part of the *Doping Control* process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other *Major Event Organizations* that conduct *Testing* at their *Events*, International Federations, and *National Anti-Doping Organizations*.

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<sup>132</sup> [Comment to Definitions: Defined terms shall include their plural and possessive forms, as well as those terms used as other parts of speech.]

**Athlete:** Any *Person* who competes in sport at the international level (as defined by each International Federation) or the national level (as defined by each *National Anti-Doping Organization*). An *Anti-Doping Organization* has discretion to apply anti-doping rules to an *Athlete* who is neither an *International-Level Athlete* nor a *National-Level Athlete*, and thus to bring them within the definition of “*Athlete*.” In relation to *Athletes* who are neither *International-Level* nor *National-Level Athletes*, an *Anti-Doping Organization* may elect to: conduct limited *Testing* or no *Testing* at all; analyze *Samples* for less than the full menu of *Prohibited Substances*; require limited or no whereabouts information; or not require advance *TUEs*. However, if an Article 2.1, 2.3 or 2.5 anti-doping rule violation is committed by any *Athlete* over whom an *Anti-Doping Organization* has elected to exercise its authority to test and who competes below the international or national level, then the *Consequences* set forth in the *Code* must be applied. For purposes of Article 2.8 and Article 2.9 and for purposes of anti-doping information and *Education*, any *Person* who participates in sport under the authority of any *Signatory*, government, or other sports organization accepting the *Code* is an *Athlete*.<sup>133</sup>

**Athlete Biological Passport:** The program and methods of gathering and collating data as described in the *International Standard for Testing* and *International Standard for Laboratories*.

**Athlete Support Personnel:** Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, parent or any other *Person* working with, treating or assisting an *Athlete* participating in or preparing for sports *Competition*.

**Attempt:** Purposely engaging in conduct that constitutes a substantial step in a course of conduct planned to culminate in the commission of an anti-doping rule violation. Provided, however, there shall be no anti-doping rule violation based solely on an *Attempt* to commit a violation if the *Person* renounces the *Attempt* prior to it being discovered by a third party not involved in the *Attempt*.

**Atypical Finding:** A report from a WADA-accredited laboratory or other WADA-approved laboratory which requires further investigation as provided by the applicable *International Standards* (including related *Technical Documents* or *Technical Letters*), WADA stakeholder notice, or as directed by WADA, prior to the final determination about the finding (i.e., the establishing, or not, of an anti-doping rule violation).

**Atypical Passport Finding:** A report described as an *Atypical Passport Finding* as described in the applicable *International Standards*.

**CAS:** The Court of Arbitration for Sport.

**Code:** The World Anti-Doping Code.

**Competition:** A single race, match, game or singular sport contest. For example, a basketball game or the finals of the Olympic 100-meter race in athletics. For stage races and other sport contests where prizes are awarded on a daily or other interim basis the distinction between a *Competition* and an *Event* will be as provided in the rules of the applicable International Federation.

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<sup>133</sup> [Comment to Athlete: Individuals who participate in sport may fall in one of five categories: 1) International-Level Athlete, 2) National-Level Athlete, 3) individuals who are not International- or National-Level Athletes but over whom the International Federation or National Anti-Doping Organization has chosen to exercise authority, 4) Recreational Athlete, and 5) individuals over whom no International Federation or National Anti-Doping Organization has, or has chosen to, exercise authority. All International- or National-Level Athletes are subject to the anti-doping rules of the Code, with the precise definitions of international and national level sport to be set forth in the anti-doping rules of the International Federations and National Anti-Doping Organizations.]



**Consequences of Anti-Doping Rule Violations (“Consequences”):** An Athlete’s or other Person’s violation of an anti-doping rule may result in one or more of the following: (a) Disqualification means the Athlete’s results in a particular Competition or Event are invalidated, with all resulting Consequences including forfeiture of any medals, points and prizes; (b) Ineligibility means the Athlete or other Person is barred on account of an anti-doping rule violation for a specified period of time from participating in any Competition or other activity or funding as provided in Article 10.14; (c) Provisional Suspension means the Athlete or other Person is barred temporarily from participating in any Competition or activity prior to the final decision at a hearing conducted under Article 8; (d) Financial Consequences means a financial sanction imposed for an anti-doping rule violation or to recover costs associated with an anti-doping rule violation; and (e) Public Disclosure means the dissemination or distribution of information to the general public or Persons beyond those Persons entitled to earlier notification in accordance with Article 14. Teams in Team Sports may also be subject to Consequences as provided in Article 11.

**Contaminated Source:** An unforeseeable source of a Prohibited Substance, such as: ingestion of a medication that contains a Prohibited Substance that is not disclosed on the product label or in information available at a reasonable Internet search; consumption of a food or drink, such as contaminated meat or water, that contains Prohibited Substance with no advance warning, disclosure or other basis to be aware of the possibility that it may contain a Prohibited Substance; exposure to a Prohibited Substance that was Used or possessed by a third person, either through the Athlete’s direct physical contact with the third person or physical contact with objects touched or handled by the third person; or environmental contamination.

**Decision Limit:** The value above which a quantitative analytical result for a Threshold Substance in a Sample shall be reported as an Adverse Analytical Finding<sup>134</sup>.

**Delegated Third Party:** Any Person to which an Anti-Doping Organization delegates any aspect of Doping Control or anti-doping Education programs including, but not limited to, third parties or other Anti-Doping Organizations that conduct Sample collection or other Doping Control services or anti-doping Educational programs for the Anti-Doping Organization, or individuals serving as independent contractors who perform Doping Control services for the Anti-Doping Organization (e.g., non-employee Doping Control officers or chaperones). This definition does not include CAS.

**Disqualification:** See Consequences of Anti-Doping Rule Violations above.

**Doping Control:** All steps and processes from test distribution planning through to ultimate disposition of any appeal and the enforcement of Consequences, including all steps and processes in between, including but not limited to, Testing, investigations, whereabouts, TUEs, Sample collection and handling, laboratory analysis, Results Management and investigations or proceedings relating to violations of Article 10.14 (Status During Ineligibility or Provisional Suspension).

**Education:** The process of learning to instill values and develop behaviors that foster and protect the spirit of sport, and to prevent intentional and unintentional doping.

**Event:** A series of individual Competitions conducted together under one ruling body (e.g., the Olympic Games, World Championships of an International Federation, or Pan American Games).

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<sup>134</sup> [Comment to Decision Limit: For more information on DLs and which Threshold Substances they are applied for, refer to the TD DL and other applicable Technical Documents (e.g., TD GH, TD CG/LH.)]

**Event Period:** The time between the beginning and end of an *Event*, as established by the ruling body of the *Event*.

**Event Venues:** Those venues so designated by the ruling body for the *Event*.

**Fault:** *Fault* is any breach of duty or any lack of care appropriate to a particular situation. Factors to be taken into consideration in assessing an *Athlete's* or other *Person's* degree of *Fault* include, for example, the *Athlete's* or other *Person's* experience, whether the *Athlete* or other *Person* is a *Protected Person*, special considerations such as impairment, the degree of risk that should have been perceived by the *Athlete* and the level of care and investigation exercised by the *Athlete* in relation to what should have been the perceived level of risk. In assessing the *Athlete's* or other *Person's* degree of *Fault*, the circumstances considered must be specific and relevant to explain the *Athlete's* or other *Person's* departure from the expected standard of behavior. Thus, for example, the fact that an *Athlete* would lose the opportunity to earn large sums of money during a period of *Ineligibility*, or the fact that the *Athlete* only has a short time left in a career, or the timing of the sporting calendar, would not be relevant factors to be considered in reducing the period of *Ineligibility* under Article 10.6.1 or **Error! Reference source not found.**<sup>135</sup>

**Financial Consequences:** See *Consequences of Anti-Doping Rule Violations* above.

**In-Competition:** The period commencing at 11:59 p.m. on the day before a *Competition* in which the *Athlete* is scheduled to participate through the end of such *Competition* and the *Sample* collection process related to such *Competition*. Provided, however, *WADA* may approve, for a particular sport, an alternative definition if an International Federation provides a compelling justification that a different definition is necessary for its sport; upon such approval by *WADA*, the alternative definition shall be followed by all *Major Event Organizations* for that particular sport.<sup>136</sup>

**Independent Observer Program:** A team of observers and/or auditors, under the supervision of *WADA*, who observe and provide guidance on the *Doping Control* process prior to or during certain *Events* and report on their observations as part of *WADA's* compliance monitoring program.

**Individual Sport:** Any sport that is not a *Team Sport*.

**Ineligibility:** See *Consequences of Anti-Doping Rule Violations* above.

**Institutional Independence:** Hearing panels on appeal shall be fully independent institutionally from the *Anti-Doping Organization* responsible for *Results Management*. They must therefore not in any way be administered by, connected or subject to the *Anti-Doping Organization* responsible for *Results Management*.

**International Event:** An *Event* or *Competition* where the International Olympic Committee, the International Paralympic Committee, an International Federation, a *Major Event Organization*, or another international sport organization is the ruling body for the *Event* or appoints the technical officials for the *Event*.

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<sup>135</sup> [Comment to *Fault*: The criterion for assessing an *Athlete's* degree of *Fault* is the same under all Articles where *Fault* is to be considered. However, under Article **Error! Reference source not found.**, no reduction of sanction is appropriate unless, when the degree of *Fault* is assessed, the conclusion is that No Significant *Fault* or *Negligence* on the part of the *Athlete* or other *Person* was involved.]

<sup>136</sup> [Comment to *In-Competition*: Having a universally accepted definition for *In-Competition* provides greater harmonization among *Athletes* across all sports, eliminates or reduces confusion among *Athletes* about the relevant timeframe for *In-Competition Testing*, avoids inadvertent *Adverse Analytical Findings* in between *Competitions* during an *Event* and assists in preventing any potential performance enhancement benefits from *Substances prohibited Out-of-Competition* being carried over to the *Competition* period.]

**International-Level Athlete:** Athletes who compete in sport at the international level, as defined by each International Federation, consistent with the *International Standard for Testing*.<sup>137</sup>

**International Standard:** A standard adopted by WADA in support of the Code. Compliance with an *International Standard* (as opposed to another alternative standard, practice or procedure) shall be sufficient to conclude that the procedures addressed by the *International Standard* were performed properly. *International Standards* shall include any *Technical Documents* issued pursuant to the *International Standard*.

**Major Event Organizations:** The continental associations of *National Olympic Committees* and other international multi-sport organizations that function as the ruling body for any continental, regional or other *International Event*.

**Marker:** A compound, group of compounds or biological variable(s) that indicates the Use of a *Prohibited Substance* or *Prohibited Method*.

**Metabolite:** Any substance produced by a biotransformation process.

**Minimum Reporting Level:** Value below which an estimated analytical result for some Non-Threshold Substances should not be reported as an *Adverse Analytical Finding*.<sup>138</sup>

**Minor:** A natural *Person* who has not reached the age of eighteen years.

**National Anti-Doping Organization:** The entity(ies) designated by each country as possessing the primary authority and responsibility to adopt and implement anti-doping rules, direct the collection of *Samples*, manage test results and conduct *Results Management* at the national level. If this designation has not been made by the competent public authority(ies), the entity shall be the country's *National Olympic Committee* or its designee.

**National Anti-Doping Organization Operational Independence:** NADOs must be independent in their operational decisions and activities from sport organizations and government. Specifically, a NADO shall not delegate any part of its *Doping Control* responsibilities to a sport organization or government including, but not limited to, Test distribution planning, *Testing*, Investigation, or *Results Management*. Further, no *Person* who at the same time is involved in the management or operations of any sport organization or any government department shall have any operational role in, or decision-making authority that may affect a NADO's sole discretion to determine how that funding is budgeted and spent. A NADO may cooperate and seek information from a sport organization or government which is useful in fulfilling the NADO's responsibilities in the fight against doping so long as it remains independent in its operational decisions and activities.<sup>139</sup>

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<sup>137</sup> [Comment to *International-Level Athlete*: Consistent with the *International Standard for Testing*, the *International Federation* is free to determine the criteria it will use to classify Athletes as *International-Level Athletes*, e.g., by ranking, by participation in particular *International Events*, by type of license, etc. However, it must publish those criteria in clear and concise form, so that Athletes are able to ascertain quickly and easily when they will become classified as *International-Level Athletes*. For example, if the criteria include participation in certain *International Events*, then the *International Federation* must publish a list of those *International Events*.]

<sup>138</sup> [Comment to *Minimum Reporting Level*: For more information on *Minimum Reporting Levels* and the *Non-Threshold Substances* to which they shall be applied, refer to the TD MRPL.]

<sup>139</sup> [Comment to *NADO Operational Independence*: Where the *National Olympic Committee* is acting as the *National Anti-Doping Organization* pursuant to Article 20.4.6, it shall guarantee, to the extent possible, that its *Doping Control* activities are carried out independently from the *National Olympic Committee* itself, any other sport organizations, and the government. For instance, this could be achieved by establishing a structure and/or processes within the *National Olympic Committee* acting as the *National Anti-Doping Organization* which ensure(s) that its *Doping Control* activities are performed in accordance with requirements of Article 20.5.1. If, however, the *National Olympic Committee* acting as the *National Anti-Doping Organization* cannot ensure that its *Doping Control* activities are performed in accordance with the requirements of Article 20.5.1, it should delegate these activities to a *Delegated Third Party*.]

**National Event:** A sport *Event* or *Competition* involving *International-* or *National-Level Athletes* that is not an *International Event*.

**National-Level Athlete:** *Athletes* who compete in sport at the national level, as defined by each *National Anti-Doping Organization*, consistent with the *International Standard for Testing*.

**National Olympic Committee:** The organization recognized by the International Olympic Committee. The term *National Olympic Committee* shall also include the National Sport Confederation in those countries where the National Sport Confederation assumes typical *National Olympic Committee* responsibilities in the anti-doping area.

**No Fault or Negligence:** The *Athlete* or other *Person's* establishing that he or she did not know or suspect, and could not reasonably have known or suspected even with the exercise of utmost caution, that he or she had *Used* or been administered the *Prohibited Substance* or *Prohibited Method* or otherwise violated an anti-doping rule. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

**No Significant Fault or Negligence:** The *Athlete* or other *Person's* establishing that any *Fault* or *Negligence*, when viewed in the totality of the circumstances and taking into account the criteria for *No Fault* or *Negligence*, was not significant in relationship to the anti-doping rule violation. Except in the case of a *Protected Person* or *Recreational Athlete*, for any violation of Article 2.1, the *Athlete* must also establish how the *Prohibited Substance* entered the *Athlete's* system.

**Operational Independence:** This means that (1) board members, staff members, commission members, consultants and officials of the *Anti-Doping Organization* with responsibility for *Results Management* or its affiliates (e.g., member federation or confederation), as well as any *Person* involved in the investigation and pre-adjudication of the matter cannot be appointed as members and/or clerks (to the extent that such clerk is involved in the deliberation process and/or drafting of any decision) of hearing panels of that *Anti-Doping Organization* with responsibility for *Results Management* and (2) hearing panels shall be in a position to conduct the hearing and decision-making process without interference from the *Anti-Doping Organization* or any third party. The objective is to ensure that members of the hearing panel or individuals otherwise involved in the decision of the hearing panel, are not involved in the investigation of, or decisions to proceed with, the case.

**Out-of-Competition:** Any period which is not *In-Competition*.

**Participant:** Any *Athlete* or *Athlete Support Person*.

**Person:** A natural *Person* or an organization or other entity.

**Possession:** The actual, physical *Possession*, or the constructive *Possession* (which shall be found only if the *Person* has exclusive control or intends to exercise control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists); provided, however, that if the *Person* does not have exclusive control over the *Prohibited Substance* or *Prohibited Method* or the premises in which a *Prohibited Substance* or *Prohibited Method* exists, constructive *Possession* shall only be found if the *Person* knew about the presence of the *Prohibited Substance* or *Prohibited Method* and intended to exercise control over it. Provided, however, there shall be no anti-doping rule violation based solely on *Possession* if, prior to receiving notification of any kind that the *Person* has committed an anti-doping rule violation, the *Person* has taken concrete action demonstrating that the *Person* never intended to have *Possession* and has renounced *Possession* by explicitly declaring it to an *Anti-Doping Organization*. Notwithstanding anything to the contrary in this definition, the purchase (including by any electronic or other means) of a *Prohibited Substance* or *Prohibited Method* constitutes *Possession* by the *Person* who makes the purchase.<sup>140</sup>

**Prohibited List:** The list identifying the *Prohibited Substances* and *Prohibited Methods*.

**Prohibited Method:** Any method so described on the *Prohibited List*.

**Prohibited Substance:** Any substance, or class of substances, so described on the *Prohibited List*.

**Protected Person:** An *Athlete* or other natural *Person* who at the time of the anti-doping rule violation: (i) has not reached the age of sixteen (16) years; (ii) has not reached the age of eighteen (18) years and is not included in any *Registered Testing Pool* and has never competed in any *International Event* in an open category; or (iii) for reasons other than age has been determined to lack legal capacity under applicable national legislation.<sup>141</sup>

**Provisional Hearing:** For purposes of Article 7.4.3, an expedited abbreviated hearing occurring prior to a hearing under Article 8 that provides the *Athlete* with notice and an opportunity to be heard in either written or oral form.<sup>142</sup>

**Provisional Suspension:** See *Consequences of Anti-Doping Rule Violations* above.

**Publicly Disclose:** See *Consequences of Anti-Doping Rule Violations* above.

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<sup>140</sup> [Comment to Possession: Under this definition, anabolic steroids found in an Athlete's car would constitute a violation unless the Athlete establishes that someone else used the car; in that event, the Anti-Doping Organization must establish that, even though the Athlete did not have exclusive control over the car, the Athlete knew about the anabolic steroids and intended to have control over them. Similarly, in the example of anabolic steroids found in a home medicine cabinet under the joint control of an Athlete and spouse, the Anti-Doping Organization must establish that the Athlete knew the anabolic steroids were in the cabinet and that the Athlete intended to exercise control over them. The act of purchasing a Prohibited Substance alone constitutes Possession, even where, for example, the product does not arrive, is received by someone else, or is sent to a third-party address.]

<sup>141</sup> [Comment to Protected Person: The Code treats Protected Persons differently than other Athletes or Persons in certain circumstances based on the understanding that, below a certain age or intellectual capacity, an Athlete or other Person may not possess the mental capacity to understand and appreciate the prohibitions against conduct contained in the Code. This would include, for example, a Paralympic Athlete with a documented lack of legal capacity due to an intellectual impairment. The term "open category" is meant to exclude competition that is limited to junior or age group categories. Those circumstances where a Protected Person or Recreational Athlete is to be treated differently than Persons or Athletes have been specifically identified in the Code. It should not be assumed, with respect to Article 7.4 or any other Article in the Code, that different treatment was intended where it is not specifically expressed.]

<sup>142</sup> [Comment to Provisional Hearing: A Provisional Hearing is only a preliminary proceeding which may not involve a full review of the facts of the case. Following a Provisional Hearing, the Athlete remains entitled to a subsequent full hearing on the merits of the case. By contrast, an "expedited hearing", as that term is used in Article 7.4.3, is a full hearing on the merits conducted on an expedited time schedule.]



**Quality Assurance:** Processes aimed at maintaining and improving the quality of Analytical Testing Procedures (as further defined in the *International Standard for Laboratories*), i.e., quality control, quality improvement, method development and validation, generation and evaluation of reference population data, analysis of substances included in the WADA monitoring program as described in Code Article 4.5, and any other legitimate *Quality Assurance* process, as determined by WADA, aimed at monitoring the validity of Analytical Testing Procedures applied to the analysis of *Prohibited Substances* and *Prohibited Methods* for the purposes established in Code Article 6.2.

**Recreational Athlete:** A natural *Person* who is so defined by the relevant *National Anti-Doping Organization*; provided, however, the term shall not include any *Person* who, within the five (5) years prior to committing any anti-doping rule violation, has been an *International-Level Athlete* (as defined by each International Federation consistent with the *International Standard for Testing*) or *National-Level Athlete* (as defined by each *National Anti-Doping Organization* consistent with the *International Standard for Testing*), has represented any country in an *International Event* in an open category or has been included within any *Registered Testing Pool* or other whereabouts information pool maintained by any International Federation or *National Anti-Doping Organization*.<sup>143</sup>

**Regional Anti-Doping Organization:** A regional entity designated by member countries to coordinate and manage delegated areas of their national anti-doping programs, which may include the adoption and implementation of anti-doping rules, the planning and collection of *Samples*, the management of results, the review of *TUEs*, the conduct of hearings, and the conduct of *Educational* programs at a regional level.

**Registered Testing Pool:** The pool of highest-priority *Athletes* established separately at the international level by International Federations and at the national level by *National Anti-Doping Organizations*, who are subject to focused *In-Competition* and *Out-of-Competition Testing* as part of that International Federation's or *National Anti-Doping Organization's* test distribution plan and therefore are required to provide whereabouts information as provided in Article 5.5 and the *International Standard for Testing* and who shall be subject to at least three planned *Out-of-Competition* tests per year.

**Results Management:** The process encompassing the timeframe between notification as per Article 5 of the *International Standard for Results Management*, or in certain cases (e.g., *Atypical Finding*, *Athlete Biological Passport*, whereabouts failure), such pre-notification steps expressly provided for in Article 5 of the *International Standard for Results Management*, through the charge until the final resolution of the matter, including the end of the hearing process at first instance or on appeal (if an appeal was lodged).

**Sample or Specimen:** Any biological material collected for the purposes of *Doping Control*.<sup>144</sup>

**Signatories:** Those entities accepting the *Code* and agreeing to implement the *Code*, as provided in Article 23.

**Specified Method:** See Article 4.2.2.

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<sup>143</sup> [Comment to *Recreational Athlete*: The term "open category" is meant to exclude competition that is limited to junior or age group categories. Those circumstances where a *Protected Person* or *Recreational Athlete* is to be treated differently than *Persons* or *Athletes* have been specifically identified in the *Code*. It should not be assumed, with respect to Article 7.4 or any other Article in the *Code*, that different treatment was intended where it is not specifically expressed.]

<sup>144</sup> [Comment to *Sample or Specimen*: It has sometimes been claimed that the collection of blood *Samples* violates the tenets of certain religious or cultural groups. It has been determined that there is no basis for any such claim.]



**Specified Substance:** See Article 4.2.2.

**Strict Liability:** The rule which provides that under Article 2.1 and Article 2.2, it is not necessary that intent, *Fault*, *Negligence*, or knowing *Use* on the *Athlete's* part be demonstrated by the *Anti-Doping Organization* in order to establish an anti-doping rule violation.

**Substance of Abuse:** See Article 4.2.3.

**Substantial Assistance:** For purposes of Article 10.7.1, a *Person* providing *Substantial Assistance* must: (1) fully disclose in a signed written statement or recorded interview all information he or she possesses in relation to anti-doping rule violations or other proceeding described in Article 10.7.1.1, and (2) fully cooperate with the investigation and adjudication of any case or matter related to that information, including, for example, presenting testimony at a hearing if requested to do so by an *Anti-Doping Organization* or hearing panel. Further, the information provided must remain credible and valuable throughout any subsequent investigation or proceeding.

**Tampering:** Intentional conduct which subverts the *Doping Control* process but which would not otherwise be included in the definition of *Prohibited Methods*. *Tampering* shall include, without limitation, offering or accepting a bribe to perform or fail to perform an act, preventing the collection of a *Sample*, affecting or making impossible the analysis of a *Sample*, falsifying documents submitted to an *Anti-Doping Organization* or *TUE* committee or hearing panel, procuring false testimony from witnesses, committing any other fraudulent act upon the *Anti-Doping Organization* or hearing body to affect *Results Management* or the imposition of *Consequences*, and any other similar intentional interference or *Attempted* interference with any aspect of *Doping Control*.<sup>145</sup>

**Target Testing:** Selection of specific *Athletes* for *Testing* based on criteria set forth in the *International Standard for Testing*.

**Team Sport:** A sport in which the substitution of players is permitted during a *Competition*.

**Technical Document:** A document adopted and published by *WADA* from time to time containing mandatory technical requirements on specific anti-doping topics as set forth in an *International Standard*.

**Technical Letter:** Mandatory technical requirements provided by *WADA* from time to time (ad-hoc) to address particular issues on the analysis, interpretation and reporting of specific *Prohibited Substance(s)* and/or *Prohibited Method(s)* or on the application of specific *Laboratory* or *Athlete Biological Passport Laboratory* procedures.

**Testing:** The parts of the *Doping Control* process involving test distribution planning, *Sample* collection, *Sample* handling, and *Sample* transport to the laboratory.

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<sup>145</sup> [Comment to *Tampering*: For example, this Article would prohibit altering identification numbers on a *Doping Control* form during *Testing*, breaking the *B* bottle at the time of *B Sample* analysis, altering a *Sample* by the addition of a foreign substance, or intimidating or *Attempting* to intimidate a potential witness or a witness who has provided testimony or information in the *Doping Control* process. *Tampering* includes misconduct which occurs during the *Results Management* process. See Article 10.9.3.3. However, actions taken as part of a *Person's* legitimate defense to an anti-doping rule violation charge shall not be considered *Tampering*. Offensive conduct towards a *Doping Control* official or other *Person* involved in *Doping Control* which does not otherwise constitute *Tampering* shall be addressed in the disciplinary rules of sport organizations.]

**Testing Pool:** The pool of *Athletes* that the International Federation or *National Anti-Doping Organization* considers to be a lesser priority and risk than those *Athletes* in the *Registered Testing Pool* and who are required to provide whereabouts information as outlined in the *International Standard for Testing* and who shall be subject to at least one planned *Out-of-Competition* test per year.

**Therapeutic Use Exemption (TUE):** A *Therapeutic Use Exemption* allows an *Athlete* with a medical condition to *Use* a *Prohibited Substance* or *Prohibited Method*, but only if the conditions set out in Article 4.4 and the *International Standard for Therapeutic Use Exemptions* are met.

**Trafficking:** Selling, giving, transporting, sending, delivering or distributing (or *Possessing* for any such purpose) a *Prohibited Substance* or *Prohibited Method* (either physically or by any electronic or other means) by an *Athlete*, *Athlete Support Person* or any other *Person* subject to the authority of an *Anti-Doping Organization* to any third party; provided, however, this definition shall not include the actions of bona fide medical personnel involving a *Prohibited Substance Used* for genuine and legal therapeutic purposes or other acceptable justification, and shall not include actions involving *Prohibited Substances* which are not prohibited in *Out-of-Competition Testing* unless the circumstances as a whole demonstrate such *Prohibited Substances* are not intended for genuine and legal therapeutic purposes or are intended to enhance sport performance.

**UNESCO Convention:** The International Convention against Doping in Sport adopted by the 33rd session of the UNESCO General Conference on 19 October 2005, including any and all amendments adopted by the States Parties to the Convention and the Conference of Parties to the International Convention against Doping in Sport.

**Use:** The utilization, application, ingestion, injection or consumption by any means whatsoever of any *Prohibited Substance* or *Prohibited Method*.

**WADA:** The World Anti-Doping Agency.

**Without Prejudice Agreement:** For purposes of Articles 10.7.1.1 and 10.8.2, a written agreement between an *Anti-Doping Organization* and an *Athlete* or other *Person* that allows the *Athlete* or other *Person* to provide information to the *Anti-Doping Organization* in a defined time-limited setting with the understanding that, if an agreement for *Substantial Assistance* or a case resolution agreement is not finalized, the information provided by the *Athlete* or other *Person* in this particular setting may not be used by the *Anti-Doping Organization* against the *Athlete* or other *Person* in any *Results Management* proceeding under the *Code*, and that the information provided by the *Anti-Doping Organization* in this particular setting may not be used by the *Athlete* or other *Person* against the *Anti-Doping Organization* in any *Results Management* proceeding under the *Code*. Such an agreement shall not preclude the *Anti-Doping Organization*, *Athlete* or other *Person* from using any information or evidence gathered from any source other than during the specific time-limited setting described in the agreement.

## DEFINITIONS SPECIFIC TO ARTICLE 24.1

**Aggravating Factors:** This term encompasses a deliberate attempt to circumvent or undermine the *Code* or the *International Standards* and/or to corrupt the anti-doping system, an attempt to cover up non-compliance, or any other form of bad faith on the part of the *Signatory* in question; a persistent refusal or failure by the *Signatory* to make any reasonable effort to correct *Non-Conformities* that are notified to it by WADA; repeat offending; and any other factor that aggravates the *Signatory's* non-compliance.

**Approved Third Party:** One or more *Anti-Doping Organizations* and/or *Delegated Third Parties* selected or approved by WADA, following consultation with the non-compliant *Signatory*, to *Supervise* or *Takeover* some or all of that *Signatory's Anti-Doping Activities*. As a last resort, if there is no other suitable body available, then WADA may carry out this function itself.

**Critical:** A requirement that is considered to be *Critical* to the fight against doping in sport. See further Annex A of the *International Standard for Code Compliance by Signatories*.

**Fine:** Payment by the *Signatory* of an amount that reflects the seriousness of the non-compliance/*Aggravating Factors*, its duration, and the need to deter similar conduct in the future. In a case that does not involve non-compliance with any *Critical* requirements, the *Fine* shall not exceed the lower of (a) 10% of the *Signatory's* total annual budgeted expenditure; and (b) US \$100,000. The *Fine* will be applied by WADA to finance further *Code* compliance monitoring activities and/or anti-doping *Education* and/or anti-doping research.

**General:** A requirement that is considered to be important to the fight against doping in sport but does not fall into the categories of *Critical* or *High Priority*. See further Annex A of the *International Standard for Code Compliance by Signatories*.

**High Priority:** A requirement that is considered to be *High Priority* but not *Critical* in the fight against doping in sport. See further Annex A of the *International Standard for Code Compliance by Signatories*.

**Non-Conformity:** Where a *Signatory* is not complying with the *Code* and/or one or more *International Standards* and/or any requirements imposed by the WADA Executive Committee, but the opportunities provided in the *International Standard for Code Compliance by Signatories* to correct the *Non-Conformity/Non-Conformities* have not yet expired and so WADA has not yet formally alleged that the *Signatory* is non-compliant.

**Reinstatement:** When a *Signatory* that was previously declared non-compliant with the *Code* and/or the *International Standards* is determined to have corrected that non-compliance and to have met all of the other conditions imposed in accordance with Article 11 of the *International Standard for Code Compliance by Signatories* for *Reinstatement* of its name to the list of *Code-compliant Signatories* (and *Reinstated* shall be interpreted accordingly).

**Representatives:** Officials, directors, officers, elected members, employees, and committee members of the *Signatory* or other body in question, and also (in the case of a *National Anti-Doping Organization* or a *National Olympic Committee* acting as a *National Anti-Doping Organization*) *Representatives* of the government of the country of that *National Anti-Doping Organization* or *National Olympic Committee*.

**Special Monitoring:** Where, as part of the consequences imposed on a non-compliant *Signatory*, WADA applies a system of specific and ongoing monitoring to some or all of the *Signatory's Anti-Doping Activities*, to ensure that the *Signatory* is carrying out those activities in a compliant manner.

**Supervision:** Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* oversees and supervises the *Signatory's Anti-Doping Activities*, as directed by WADA, at the *Signatory's* expense (and *Supervise* shall be interpreted accordingly). Where a *Signatory* has been declared non-compliant and has not yet finalized a *Supervision* agreement with the *Approved Third Party*, that *Signatory* shall not implement independently any *Anti-Doping Activity* in the area(s) that the *Approved Third Party* is to oversee and supervise without the express prior written agreement of WADA.

**Takeover:** Where, as part of the consequences imposed on a non-compliant *Signatory*, an *Approved Third Party* takes over all or some of the *Signatory's Anti-Doping Activities*, as directed by WADA, at the *Signatory's* expense. Where a *Signatory* has been declared non-compliant and has not yet finalized a *Takeover* agreement with the *Approved Third Party*, that *Signatory* shall not implement independently any *Anti-Doping Activity* in the area(s) that the *Approved Third Party* is to take over without the express prior written agreement of WADA.